

IUCN COMMISSION ON ENVIRONMENTAL, ECONOMIC AND SOCIAL POLICY

Policy Matters

**SPECIAL ISSUE ON ENVIRONMENTAL
DEFENDERS**

SEPTEMBER 2021

**VOLUME III
CONSERVATION
AND THE NEED
FOR GREATER
DEFENDERS
PROTECTION**



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CEESP is a unique network of approximately 1,500 volunteers representing disciplines from biology and anthropology, economics and law, to culture and Indigenous peoples – among many others. Our work represents the crossroads of conservation and development. CEESP contributes to the IUCN Mission by providing insights and expertise and promoting policies and action to harmonise the conservation of nature with the crucial socio-economic and cultural concerns of human communities – such as livelihoods, human rights and responsibilities, human development, security, equity, and the fair and effective governance of natural resources. CEESP's natural and social scientists, environmental and economic policy experts, and practitioners in community-based conservation provide IUCN with critical resources to meet the challenges of 21st century nature and natural resource conservation and the goal of shaping a sustainable future.

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Photo credits: Cover photo: Porlajee “Billy” Rakchongcharoen was an indigenous activist from Thailand, leading a lawsuit against the Kaengkrachan National Park due to the forcible eviction and burning of more than 100 houses belonging to Karen indigenous peoples. These evictions resulted from the designation of the forest as a protected area by the Thai government in 1979, forcing the displacement of Indigenous villages that lived there for generations. Billy disappeared in 2014, after being arrested by park authorities, and his remains were found in 2019./*Phinnapha Phrueksaphan (2014)*. **Background photo:** Kaeng Kachan National Park/*Kosin Sukhum, Creative Commons license*.

Table of contents

	<i>Dame permiso/Grant me permission Poem by Rosa Chávez</i>	iv
	Preface	vi
	Guest contributor – Manuela Picq	
	Environmental defenders as first guardians of the world’s biodiversity	1
1	What do you know about conservation and human rights? Helen Newing and Anouska Perram	7
	<i>Wayne Lotter by Global Initiative Against Transnational Organized Crime</i>	15
2	BINGO complicity, necropolitical ecology and environmental defenders Mary Menton and Paul Gilbert	18
	<i>The murder of Zafar Lund by Ali Nobil Ahmad</i>	32
3	Green violence and human rights in conservation spaces Maano Ramutsindela	36
	<i>Women defenders of land and territory: challenging extractive ‘development’ Testimonies by Laura Carlsen and Adelaide Mazwarira</i>	44
	<i>Defiende tu sangre/Defend your blood Poem by Rosa Chávez</i>	48
4	Distinguishing park rangers from environmental defenders Judith Verweijen, Francis Massé, Anwasha Dutta and Esther Marijnen	50
	<i>Women Building Power: Activist Stories Testimonies by WoMin African Alliance</i>	63
5	The urgency of addressing gender-based violence against women environmental human rights defenders Melissa Luna, Laura Sabater, Itzá Castañeda and Cate Owren	72
	<i>Rap del Veedor/The Monitors’ Rap Video by Gasel</i>	89
6	Protecting and supporting defenders: A review of policies for environmental and land defenders Shivangi Khanna and Philippe Le Billon	90
	<i>Another Poverty Poem by shalan joudry</i>	119
	Endnotes	120

Dame permiso

por Rosa Chávez



**Dame permiso espíritu del camino
regálame permiso
para caminar
por este sendero de cemento
que abrieron en tu ombligo,
por esta autopista de viento
que corta el silencio
permiso también a ustedes
pájaros que rompen el tímpano del acero
permiso piedras
permiso plantas
permiso animales que resisten en la neblina.
Déjame pasar camino
deja que esta rabia que desorbita mis ojos
se me salga en palabras dulces,
palabras finas, zarandeadas, reventadas,
déjame pasar
que mi voluntad no se pierda
déjame cruzar el barranco, la hondonada,
déjame por favor regresar a mi casa
antes de que los volcanes canten
antes de que el discurso de los cerros
escupa en nuestras bocas.**

Rosa Chávez is a Maya K'iche' Kaqchiquel woman, poet, artist and educator. For her, naming her identity is an important way of recognising her ancestors as well as her present. She has published five poetry books, including *Piedra ab'aj* (Editorial Cultura Guatemala/ Editorial Casa de poesía, 2009). Rosa has ventured into theatre, performance, video and sound experimentation. Her work has been widely anthologised and translated into different languages. Rosa focuses her energy and experiences working with women, communities and movements that defend land, bodies and territories.

Grant me permission

by Rosa Chávez

Translation by
Antonia Carcelen-Estrada

Grant me permission, spirit of the path,
gift me permission
to walk
through this cement path
they opened in your navel,
through this highway of wind
that cuts through the silence
permission to you too,
birds who pierce the eardrums of steel
permission, stones
permission, plants
permission, animals resisting in the fog.
Let me through the path
let this anger in my disorbited eyes
come out as sweet words,
fine words, shaken, blown up.
let me through
so that my will won't get lost
let me cross the ravine, the hollow
let me please come home
before the volcanoes sing
before the mountains' speech
spits into our mouths.

Kichwa Kañari communities traverse the Andean páramos of Kimsakocha. Páramos are home to endemic species and water factories nurturing rivers and lowlands; yet, they are prey to extractive industries seeking precious metals for global markets. Indigenous and local communities have actively defended Kimsakocha for over two decades. Yet, the government of Ecuador bypasses national and international law on consultation and consent to promote mining in fragile ecosystems, in alliance with global corporations.

PHOTO: MANUELA L. PICQ



Preface

This special issue of *Policy Matters* – an open-access, peer-reviewed journal edited and published by IUCN-CEEP – is dedicated to environmental defenders. It features a mix of interdisciplinary academic articles, stories, poetry, music, art, videos and photos. Environmental defenders are essential partners in the conservation and protection of nature, and yet they are being murdered, criminalised and persecuted with impunity all over the world. Volume III, the final instalment of this special issue, turns the spotlight on conservation. We explore and bring to light the role that the conservation community plays in securing or compromising the protection of environmental defenders.

The volume begins with a foreword by Manuela Picq, Professor of International Relations at Universidad San Francisco de Quito (Ecuador) and Amherst College (USA), journalist and scholar-activist who was targeted with judicial threats and harassment for defending Indigenous women's movements in Ecuador. Manuela clearly states that there is an urgent call to re-examine and confront issues of human rights, equity, Indigenous ecological knowledge, intangible or 'biocultural' heritage, and environmental justice as they concern biodiversity conservation, protected areas, 'natural capital' valuation (and 'nature-based solutions'), and climate change.

In recent years, conservation initiatives have come under fire for land grabbing and human rights abuses. Basic measures like FPIC (free prior and informed consent), designed to protect Indigenous and local communities from dispossession and abuses,¹ are often not respected; at the same time, conservation efforts have become increasingly militarised, creating an environment of fear and surveillance. As demonstrated by various submissions in this volume, mining continues to pose a significant threat to environmental defenders, notably women, worldwide, something the conservation community must open its eyes to.

Despite this, there is a growing evidence base that Indigenous peoples and local communities – many of whom are environmental defenders – play a critical role in the conservation, governance and sustainable use of the worlds' biodiversity and nature.² Even in the face of immense threats, environmental defenders have had extraordinary resilience and determination to maintain their dignity and the integrity of their lands and territories.³

This volume explores these and other issues, and presents policy recommendations for how to improve and explore solutions to environmental problems that are holistic, equitable and ecologically sound. Through poetry, art, music and stories, this volume is intended to engage and push the conservation community to recognise and respect the central role that environmental defenders play in sustaining nature, and to embed and uphold their human rights. This volume is intended to help reimagine a conservation where no one is murdered, displaced, criminalised or persecuted in defence of nature.

The Editorial Team

Guest contributor

Environmental defenders as first guardians of the world's biodiversity

by **Manuela L. Picq**

A call to action

Environmental defenders are the first protectors of our planet's biosphere. It is urgent to safeguard them, their ways of life, and their territories. Here are the first steps we need to begin taking:

1. First, climate action must include human rights. In 2021, the representative of the International Indigenous Peoples Forum on Climate Change (IIPFCC) asked the United Nations to fully integrate the rights of Indigenous peoples in climate action, in preparation for the COP 26. Inclusion of human rights in climate change initiatives must be a top priority in climate negotiations and climate action, including REDD and REDD+ initiatives.
2. Second, international laws must be enforced so as to require, at a minimum, the free, prior, and informed consent (FPIC) of local communities for any land project (extraction or conservation project) on Indigenous and local population's territories, whether formal land title is held or not. Consent must be given, by Indigenous and local peoples, for mining and other mega-projects, as well as conservation projects.
3. Third, we must learn to protect local communities' ways of life and their situated relationships with the environments in which they live, learning from their example, so that they can continue to protect biodiversity through their own environmental management, knowledge transmission, and cultural values embedded in their languages and lifeways.

Manuela Picq is a Professor of International Relations at Universidad San Francisco de Quito (Ecuador) and Loewenstein Fellow in the Departments of Sexuality and Political Science at Amherst College (USA). She is the author of scholarly books and articles, including *Vernacular Sovereignities: Indigenous Women Challenging World Politics* (University of Arizona Press 2018) and contributes to international media outlets. Her work falls at the intersection of academic scholarship, journalism, and activism. She was a New Generation of Public Intellectuals (2018) nominee and featured in the FemiList 100 (2021) of women working in law, policy, and peacebuilding across the Global South.

Indigenous and local defenders of life itself

While Indigenous peoples represent just 5% of the world's population, they make up 40% of environmental defenders killed worldwide (Global Witness, 2020). Recent reports estimate that Indigenous peoples safeguard 80% of the world's remaining biodiversity on their territories, protecting all forms of life from industries like mining, crude oil extraction, agribusiness, and palm oil (Jerez, 2021). One could say that Indigenous and local populations are thus the best guardians of biodiversity and the most important care-takers of the future, of everyone's future. In times of an extreme, anthropogenic climate crisis and a massive loss of biodiversity – already referred to as the “Sixth Mass Extinction” – one would expect environmental defenders to be valued and safeguarded as crucial actors in the survival of our species. But not only are they unprotected; we are failing them.

Defending nature is an extremely dangerous endeavour; every week, about four environmental defenders are killed worldwide. Global Witness (2020) documented 212 killings of environmental defenders in 2019, an underestimate since many murders go unaccounted for. Many more defenders suffer death threats, torture, and arbitrary detentions. Women endure gendered forms of violence and are at risk of sexual violence, rape, and attacks on their families. Mining is responsible for most documented killings; half of all crimes against environmental defenders in Latin America are connected to mining. Agribusiness is the next greatest threat in Latin America, and in Asia 85% of defenders' deaths are attributed to the agribusiness sector. Over half of the killings of environmental defenders in 2019 occurred in Colombia and in the Philippines, with 64 and 43 killings in those countries respectively, although Honduras had the most killings per capita, with 14 killings there (Global Witness, 2020). As for 2020, Front Line Defenders (FLD) notes that at least 331 human rights and environmental defenders were murdered. Global Witness is set to release the latest numbers of victims of abuses, killings, and threats against environmental defenders worldwide in mid-September 2021.

María Paucar with other Kichwa women carry the wuipala during an indigenous march in defense of nature in Quito, Ecuador (2010).

PHOTO: MANUELA PICQ



Communities are putting their lives on the line because they have no choice. For them, defending nature is not just about taking an ecological stand; it is a matter of survival. If local communities lose the ecosystems upon which they depend, they not only lose their land but also their entire way of life. When nature faces extinction, so do their livelihoods. They know,

all too well, that there is a continuum from ecocide to genocide, as when ecosystems disappear, the societies which inhabit them disappear along with them. Indigenous and local lives are at stake, and so are their cultures, languages, and knowledge systems.

Water is Life, water is community, water is knowledge

Mní wičbóni, the Lakota phrase that translates into English as “water is life”, became a rallying cry of resistance beyond the protests against a natural gas pipeline at Standing Rock, North Dakota in the United States. The phrase holds philosophical meaning which is shared amongst most indigenous peoples; it means that to destroy water is to destroy oneself, one’s home, one’s family, and one’s territory. Water is life. Water is community. Water is knowledge. Environmental defenders are, essentially, water protectors.

When Indigenous and local people say that water is life, they mean it. They mean: we are water, and we are all intrinsically connected. We are made of the same water that nourishes rivers and forests, the same life that breathes through nature. The Māori people of the Whanganui say, *ko au te awa, ko te awa ko au*, which translates into English as: “I am the river, and the river is me”. They consider the Whanganui River as an ancestor, and for 160 years they fought to protect it, until the river was given legal personhood in 2017. Generation after generation, they’ve taught that the Earth is taonga, a “treasure”, and that humans are one with nature. Sherri Mitchell insists on that oneness (Mitchell, 2018). The Penobscot lawyer, teacher and activist reminds us that we all come from stardust and that all matter that was once connected cannot be disconnected – something scientists call quantum entanglement.

Environmental defenders understand that humans are but a thread in nature’s fabric, and that the Cartesian binary separating people from the environment presents a fragmented, dangerous world-view. So-called ‘Western’ approaches to exploiting or conserving nature tend to uphold these dualisms, wherein human life is seen as dominant over other forms of life. Perceiving the environment as ‘separate’ allows humans to turn nature into a resource to be exploited, or ‘capital’ to be accrued. But these hierarchies of life are becoming untenable.

Today’s environmental emergency is embedded in a crisis of our civilisation that has been in the making for five centuries. Its roots can be traced to the 16th century, in Potosí, Bolivia, when Spanish colonisers extracted silver through slave labour, exporting it back to Europe. European development in this period was potentiated by the extraction of silver in Potosí, though it came at the cost of entire local ecosystems and an estimated of eight million human lives. Potosi made the world go round, just like the Atlantic slave trade. Gradually, these economies of dispossession brought a certain world into being, from the gold mines of Johannesburg and California in the 18th century, to agribusiness in Amazonia and the Philippines today.

Environmental defenders are at risk because they challenge powerful structures, a combination of state and corporate interests that treat their territories (and their bodies) as a resource, ‘cheap’ nature up for grabs. They stand against extractive states, who self-arrogate the right to appropriate land, as in colonial times, as well as global elites who live from exporting nature on global markets. That which nature defenders contest is not

simply a lucrative political economy of extraction; they challenge the authority of states to treat nature, and therefore life itself, as property, unmasking an illegitimate world system. That is why both state and capital target them with such brutal violence.

Conservation for whom, and at what scale?

At the same time, nature defenders are also confronted with large environmental organisations who force communities out of their ancestral territories in the name of conservation. Against all evidence, Indigenous lands are being stolen in the name of conservation (Fairhead, Leach and Scoones, 2012). Since its early colonial origins, what we call ‘fortress conservation’ has relied on the enclosure of nature through the forced displacement of local communities (Brockington, 2002). Conservation programmes

seeking to protect untouched ‘wilderness’ by separating nature from humans are often complicit in regimes of dispossession and the brutal silencing of environmental defenders. This conservation conflict has been ongoing for more than one hundred years, to the point of creating a worldwide phenomenon of ‘conservation refugees’ (Dowie, 2009). India is perhaps the most extreme case of

conservation-based displacement and dispossession, with millions of forest-dwellers, the Adivasi, and other tribal peoples facing eviction under a law called the Forest Rights Act (FRA). Among the Van Gujjar pastoralists of Uttar Pradesh and Uttarakhand, for example, direct threats, economic pressures, violence, and legal maneuvers are all part of a larger process of dispossession stemming from the FRA in India, leading to what Paquet (2018) has called “jungle government”.

In nature reserves across Asia and Africa, park rangers funded by international conservation NGOs, including the WWF, use intimidation tactics and violence against local and Indigenous peoples defending their territories (Zembla, 2019). Cases of rape, torture and even murder linked to the implementation of conservation have been reported across the globe. Indigenous peoples have resisted dispossession by empires claiming civilisation; by modern nation-states promising development; and by western NGOs seeking to protect biodiversity (Spence, 1999; Jacoby, 2014; Grove, 2010). We urgently need to decolonise conservation and move away from colonial methods of protecting nature, which are too often based on racism, violence, and intimidation, and instead support community-based conservation that includes, as a baseline, local consent and ownership.

Affected villagers protest outside financial institutions over the Maheshwar Dam project in India.

PHOTO: INTERNATIONAL RIVERS



Challenges ahead for the conservation world

Two problems lie at the heart of the conservation world's lack of an adequate response to the violence against defenders.

The first stems from so-called 'Western' notions of pristine wilderness that treat zones under Indigenous management as 'wild' areas to be protected from anthropogenic threats. For example, the '30x30' and 'Half-Earth' proposals emerging at the 2014 IUCN World Parks Congress (WPC) and expanding since then, seeking to mitigate biodiversity loss by protecting, for example, 30% of the world's lands and waters by 2030, or half of the world's ecosystems by 2050, uphold the idea that 'Nature Needs Half' and can be split into natural and social zones – forgetting that such areas are fundamentally blurred in most parts of the world, and that areas of high cultural and ecological diversity tend to overlap. These proposals, led by leading scientists, conservation practitioners, and global leaders, fail to recognise that over a third of these biodiverse lands are also Indigenous territories (Survival International, 2021; Lurie, 2021). Unless safeguards exist to protect Indigenous territories, many of which are not under formal tenure, these conservation schemes could dispossess up to 1.8 billion people, becoming the biggest land grab in history (see Brockington, 2021).

The second problem, which is interrelated, is that Indigenous peoples are often not valued as equal, autonomous, political actors within the conservation world at the level of policy making, think tanks, research, conservation practice, project implementation, and decision-making. This heavily influences how conservation decision-making at the state and international levels plays out, notably in international arenas, such as at the COP climate accords, for example. This has measurable consequences for the protection of both biodiversity and local and Indigenous people. Conservation will not protect the planet if we further dispossess and criminalise Indigenous and non-Indigenous nature defenders.

The call to decolonise conservation is not a metaphor; it is the only way forward. Let us remember that all humans are not equally responsible for the anthropocene; structural inequalities have transformed nature into cheap natural resources for the over-consumption of a few to the detriment of many. Any climate action must be careful not to perpetuate racist and colonial value systems that denigrate, minimise and give lip service to local and Indigenous peoples, their relationships to land, and their claims for self-determination.

Humanity is on the edge; our collective future depends on restoring nature in all its diverse, yet indivisible, forms. All the broken relations between humans and nature must be restored if we are to stop depleting our homes and ourselves: our bodies, our spirits, and our energies. Efforts to stop the Sixth Mass Extinction must be guided by our collective ability to mobilise against racial injustice, ongoing forms of dispossession, and various forms of domination, including gender inequalities. If we continue to fail environmental defenders, we fail ourselves.

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Armed guards from the Kenya Forest Service (KFS), during the 2014 evictions and burning of Sengwer Indigenous communities in the Embobut Forest.

SOURCE: YATOR KIPTUM

What do you know about conservation and human rights?

Helen Newing^{a)} and Anouska Perram^{b)}

Abstract

When conservation practices may affect local communities and peoples, their adoption is not only a matter of ethics, but also a matter of law. The international human rights law framework has well-established rules regarding the rights of local and Indigenous peoples in the context of conservation and the obligations of state and non-state conservation actors, as well as principles for resolving differences between human rights and conservation. Although conservation organisations have made formal commitments to respect human rights – in some cases more than two decades ago – there is still a lack of widespread understanding within conservation circles of what these rules entail and how they affect conservation decision-making. For this reason, respect for human rights in conservation practice is still lacking in many cases. This article seeks to set out the basic principles applicable to conservation and their basis in international human rights law, and to propose how conservation actors can better incorporate and implement respect for human rights in their work.

Keywords: Human rights, conservation practice, Indigenous peoples' rights, free, prior and informed consent

This is an extended version of the article: Newing, H.S. and Perram, A. (2019). 'What do you know about conservation and human rights?' *Oryx* 53(4): 595–596. Reproduced with permission.

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^{b)} Forest Peoples Programme

Under what circumstances do you think it is morally acceptable to stop local communities from hunting for food inside a protected area? Or from gathering honey and wild herbs? Or practising traditional shifting agriculture? Is it acceptable to create a protected area on community lands without consultation or consent? To ban access to traditional sacred sites? What about forced displacement of local communities? Shoot-to-kill policies? All of these actions are reported to have been carried out in the name of conservation in recent years (Mogomotzi & Kefilwe, 2017; Tauli-Corpuz, 2016). But how much is this simply a matter of moral discretion and how much is it governed by international human rights obligations?

To address these questions we must first understand what international law has to say on human rights. Firstly, it says there are universal rights held by all human beings that are inalienable (they cannot be given or taken away), unconditional (they do not depend on behaviour), indivisible and interdependent (they are all equally important and they cannot be separated), and non-discriminatory. Rights listed in the Universal Declaration of Human Rights include the much-cited right to life, liberty and security of person (Article 3); the right of freedom from torture and “arbitrary arrest, detention or exile” (Articles 4 & 9); the right not to be subjected to “arbitrary interference with his [sic] privacy, family, or home” (article 12) or to be “arbitrarily deprived” of property (Article 17.2).

These are important considerations in relation to conservation, not only with respect to shoot-to-kill and involuntary resettlement, but also for restrictions on people’s ownership of, access to, and use of land and natural resources. All individuals and communities who may be affected by conservation activities are entitled to the respect of these individual human rights.

Secondly, it says that in addition to individual rights there are also collective rights. Collective rights are most commonly invoked in relation to Indigenous peoples. However, some collective rights (such as the right to customary territories and related rights) are also held by other distinct traditional peoples, ethnic groups or communities with a collective tradition. These include tribal peoples (ILO Convention No. 169), Afro-descendant peoples in Central and South America (*Moiwana v Suriname*, 2005; *Saramaka v Suriname*, 2007), traditional communities in Africa with collective customary tenure (*Endorois Welfare Council v Kenya*, 2010), and others (Mackay, 2013).

Binding international instruments that protect both individual and collective rights include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention against All Forms of Racial Discrimination, the American Convention on Human Rights, the African Charter on Human and Peoples’ Rights, and the International Labour Organization’s Convention No. 169 on the rights of Indigenous and tribal peoples. Collective rights include the right of self-determination (which is the right of all peoples to determine their own future, including their own socio-economic development), the right to own, possess, manage and use their ancestral lands and natural resources; the right to enjoy, practise and maintain their culture; the right to participate in the management and conservation of resources on their lands; and, more broadly, the right

to participate effectively in decision-making in all matters that would affect their rights. The United Nations Declaration on the Rights of Indigenous Peoples further clarifies the collective rights of Indigenous peoples and, although it's a non-binding instrument, it is widely regarded as a restatement of existing binding principles. Obviously, these rights and international obligations are of direct relevance to conservation, including in relation to the creation and governance of protected areas.

Thirdly, rights are just that – rights – and as such, international law requires that they should be respected, protected and fulfilled by governments, who are the “primary duty-bearers”. Respect means abstaining from doing anything that violates rights; protect means preventing violation of rights by others and guaranteeing access to remedy where violations do occur; and *fulfil* means taking necessary measures to enable people to claim or enjoy their rights. Other institutions, including conservation organisations, are secondary duty-bearers and also have a responsibility to respect rights (“do no harm”), which means avoiding activities that cause violations, avoiding contributing to human rights violations by others and mitigating other human rights impacts linked to their activities. The United Nations Guiding Principles on Business and Human Rights (UN, 2011) – which apply also to multinational conservation actors, as has recently been reaffirmed (Pillay et al., 2020; see also Boyd, 2020; OECD National Contact Point Switzerland, 2016) – sets out the responsibilities of businesses in this respect.

In fact, all actors have an obligation to strenuously seek to avoid any encroachment upon rights. Rights-holders also have an obligation to respect the rights of others, and thus the rights of one person or group need to be balanced against the rights of others. One aspect of this is that fulfilment of (most) human rights may be restricted where to do so is necessary and proportionate to a legitimate objective in a democratic society. But that does not mean Indigenous peoples' rights can simply be overridden for a greater (conservation) good: a limitation “may not erode a right such that the right itself becomes illusory” (*Constitutional Rights Project v Nigeria*, cited with approval in *Endorois Welfare Council v Kenya*, 2010). For example, an action that has the effect of denying an Indigenous or tribal people “their survival as a tribal people” will not meet these requirements (IACHR, 2007). For restrictions to be compatible with international legal obligations it must be demonstrated (1) that the objective is legitimate, (2) that the peoples concerned are a substantial cause of the problem, (3) that no less restrictive measures would adequately achieve the objective, and (4) that the impacts that would be caused are proportionate to the predicted benefits (Mackay, 2017).

Also of relevance to this is the concept of *free, prior and informed consent*, which is concerned principally with requirements for effective participation of Indigenous peoples and other collective rightsholders in relation to measures or proposals that may affect them, and which is *additional* to the requirements of legitimacy, proportionality and necessity. A free, prior and informed consent process exists to protect underlying collective rights, most frequently customary land and resource rights. It's a process aimed at ensuring those rightsholders can, with full information, accept or refuse any project that is proposed; the aim is not to convince rightsholders to agree to a proposal, nor to “facilitate consensus

among all stakeholders” about how a proposal should go ahead (Pillay et al., 2020). Consultation is in fact most effective when it is undertaken with a conservation objective, rather than a specific proposal on how the objective will be addressed, in mind. In this situation, consultation is a way to develop, in a participatory manner, mutually acceptable solutions that adequately satisfy a legitimate conservation objective, but also limit, avoid and/or compensate for encroachment on Indigenous peoples’ substantive rights, such as the right to lands and natural resources. In many circumstances relevant to conservation – including cases involving relocation (which includes economic relocation necessitated by restrictions on access to livelihood resources) for large-scale projects with significant impacts on use and enjoyment of territories, or cases which “substantially compromise or interfere with the culturally significant economic activities of a minority or Indigenous community” – a proposal may not proceed at all without the affected peoples’ consent (IACHR, 2007; *Poma Poma v Peru*, 2009).

So how have these obligations played out in relation to conservation? How enforceable are they? Some recent Court rulings provide some illustrations (MacKay, 2017):

Endorois Welfare Council (2010). The African Commission on Human and Peoples’ Rights ruled that the denial of the Endorois’ property rights over their ancestral land was “disproportionate to any public need served by the Game Reserve” and ordered that lands be returned to the Endorois.

Ogiek case (2017). The African Court on Human and Peoples’ Rights ruled that Kenya had “not provided any evidence” to support its claim that occupation by the Ogiek was detrimental to the environment. The test of necessity was therefore not satisfied and the Court ordered the return of lands to the Ogiek.

Kaliña and Lokono (2015). The Inter-American Court of Human Rights ordered Suriname to delimit the lands of the Kaliña and Lokono Peoples, as part of which it was required to consider restitution of lands classified as a nature reserve. It also ruled that the absence of explicit mechanisms guaranteeing their access, use and effective participation in the nature reserve was a violation of human rights.

The above summarises what international law has to say on human rights and illustrates how it applies to conservation. Here’s another question: do you know what formal commitments the major conservation organisations have already made in relation to human rights? They are very impressive on paper, and date back over at least four decades. IUCN first recognised the right of traditional societies to self-determination nearly 40 years ago at the 1982 World Parks Congress, and has continued to pass resolutions to this effect at its Congresses ever since (Macinnes et al., 2017). Several of the major non-governmental conservation organisations have made equally strong commitments, and in 2009 Conservation International, Fauna & Flora International, Wetlands International, IUCN, The Nature Conservancy and WWF signed the *Conservation and Human Rights Framework* (CI et al., 2009), which reaffirms commitments to respect internationally proclaimed human rights, including those in the *United Nations Declaration on the Rights of Indigenous Peoples* and in *International Labour Organization Convention No. 169*. Yet these commitments are rarely invoked in current debates about conservation and, in our experience, many conservationists are completely unaware of

them. Also there has often been an enormous gap between the intent of these policy commitments and their implementation, as has recently been demonstrated in detail (Pillay et al., 2020).

How should conservation actors approach their responsibilities to respect human rights under the Guiding Principles? The starting point is that conservation actors need to understand and consider fully the current and potential human rights impacts – both direct and indirect, intended and unintended – of the projects, programmes and activities with which they are involved. Having identified these impacts, conservation organisations must take adequate and effective steps to address them. Importantly, the responsibility on conservation actors is an obligation of result – to respect human rights – and not merely an obligation of process – to take steps to assess and mitigate human rights – so if the problem remains unresolved, more must be done.

Good human rights policies are a start, but they are not enough. It is critical to have appropriate internal expertise on human rights within (and throughout) the organisation, to integrate human rights into conservation strategy and programming, to train staff, to have safeguards in place (which can include both standards and complaints mechanisms), to adequately resource implementation, and to have mechanisms for accountability – which also requires transparency about human rights issues that arise (or are raised by others) connected with conservation work.

Armed KFS guards approaching a hut during the 2014 forced evictions.

PHOTO: YATOR KIPTUM



Often, human rights impacts of conservation will result from an organisation's partnership with other actors such as governments of the countries where they work. For example, cases have recently hit the headlines where a conservation organisation has provided ongoing

support for 'ecoguards' who have committed systematic or repeated human rights violations against local populations (Pillay et al., 2020). This means that an important task of implementing human rights policies is assessing honestly the likely and possible outcomes for human rights of a conservation project; having clear rules and red lines for engagement with governments and other partners; taking account of laws and practices that may affect human rights in the project, including limits in practice on the central government's influence on the behaviour of other actors (or even its own employees), especially in remote areas; and appraising realistically how far government assurances or commitments will go in preventing human rights violations. In some circumstances, the inevitable conclusion will be that a conservation organisation should not participate in, or should withdraw from, some projects or activities, regardless of their conservation value, or not collaborate with some governments. There is a strong case, for example, for

very careful (re)consideration for support to state-managed protected areas on Indigenous peoples' customary lands where Indigenous peoples' tenure rights are not respected in law or practice.

In practical terms, with respect to new proposed state protected areas that would involve restricting local peoples' access and resource use, before a decision is made, there needs to be an assessment of legal and customary rights and tenure systems in the area; a full and participatory analysis of what the conservation problem is and how severe it is; what the drivers are and what role local people play (if any); what exactly needs to change to address any part of the problem related to local people and what the alternative paths are to accomplish this; and whether the social impacts that would be involved are proportionate. Mitigation hierarchies, which are used widely in conservation (Bull et al., 2018), could easily be adapted to incorporate rights obligations along these lines.

There are also many other important human rights questions in conservation that merit sustained attention and action. For example: how can projects develop conservation-compatible 'alternative livelihoods' for Indigenous peoples while respecting the right to self-determination and the right to culture? What are the alternatives to increasingly militarised approaches to wildlife protection? How can organisations ensure that anti-poaching strategies and approaches are appropriate and proportionate, and are applied in a non-discriminatory manner? What exceptions or adaptations are reasonable in wildlife laws in relation to customary sustainable use? How should conservationists address ongoing human rights violations stemming from long-past acts (such as eviction from territories)?

Perhaps the most important question of all is this: what other ways are there of achieving conservation outcomes that could better respect human rights? One way is through support for protected areas governed by Indigenous peoples and local communities themselves: Indigenous and Community Conserved Areas (ICCAs). ICCAs have been recognised in international conservation policy as an alternative to state protected areas since 2003 (Borrini-Feyerabend et al., 2013; IUCN, 2004). Expanding support for ICCAs and fully exploring the potential for their creation in place of new state protected areas wherever customary lands are involved would be a powerful way of harmonising conservation and human rights concerns.

More widely, given that the lands of Indigenous peoples and local communities contain a high proportion of the world's remaining biodiversity (Garnett et al., 2018) and that in many cases the rightsholders are engaged in struggles to defend their lands against environmental destruction, it's in the interests of conservationists to support them in these struggles. Conservation organisations need to recognise and protect human rights defenders – not only those who are defending human rights against existing conservation projects, such as repressive state protected areas, but also those who are defending their lands and territories against environmental destruction by others. While sometimes these may be individual community leaders or NGOs, they also include whole communities who, through claiming their customary lands and continuing to exercise

of customary rights of access and use, are resisting the violation of their rights. These defenders should not face violence, harassment, criminalisation or other human rights consequences.

It is sometimes argued that talking about rights closes down discussion, but when reports of serious abuses are so widespread, it seems to us that it's the unwillingness to talk about rights – and the real and continuing adverse impacts of some conservation activities on human rights – that is closing down discussion. There are many existing examples of good practices that benefit both people and nature, and much scope for these to be replicated and further improved together with the many opportunities for developing new forms of conservation that build on common interests between Indigenous peoples (and other local rightsholders) and conservationists. But in order to build new collaborations there also needs to be acknowledgement of and strong action to discontinue those practices that have caused, and are causing, significant human suffering and rights abuses.

In conclusion, it's time for conservationists and conservation institutions to get to grips with international law on rights and put lasting measures in place to ensure that conservation actions are not only effective, but also legally and morally responsible. Conservationists also need to listen to Indigenous peoples and local communities, and when necessary, abandon familiar approaches from the conservation playbook in favour of collaborative, rights-respecting approaches. Meanwhile, we all need to work on the ground, both to build on common interests between conservationists, and local Indigenous or non-Indigenous peoples, and also to engage in an honest discussion about genuine conflicts of interest and work towards negotiated settlements, with full respect for rights as the bottom line. International law provides rules as to how to approach this. Finally, we need to take action to strengthen institutional memory and accountability if we are to restore trust in the conservation movement, both with Indigenous and local communities and also with the international human rights community and the broader public.

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Wayne Lotter

by Goba Initiative Against Transnational Organized Crime

16 August 2017

Dar es Salaam, Tanzania

Thousands of elephants are killed in Africa each year by poachers. The thin red line between these animals and extinction is the scores of brave men and women who risk their lives to protect them.

Whether it involves monitoring national parks or exposing and combating wrongdoing, working in the area of wildlife conservation is risky for all involved.

Testament to this is the murder of 51-year-old conservationist Wayne Lotter in Dar es Salaam, Tanzania, in 2017. He was shot by gunmen while travelling in a taxi to the airport.

In February 2018, eight were charged with murder or conspiracy to murder, and although the case is still before the courts in Tanzania, Lotter's comrades in the field of wildlife protection believe he was assassinated because of his anti-poaching activism. Lotter was one of the founders of the PAMS Foundation, a not-for-profit conservation organisation established in 2009. PAMS operates on all levels empowering people to protect wildlife in Tanzania, from working with and investing in community members, to educating and training rangers, and

working with local authorities. Over the past decade, PAMS has helped to protect some 42,000 elephants and 7,000 giraffes, confiscated 1,153 firearms, and educated 4,200 children on environmental issues, according to its website. In its early days, PAMS relied on donated equipment to support village game scouts to undertake foot patrols to report any illegal activity.



Lotter was especially passionate about community involvement in wildlife protection. His friends and associates said he was well loved by those he worked with, and adored for his passion, sense of justice and quirky humour. He was also serious and determined, and would always stand up for what he believed in. A dedication

to Lotter on the PAMS website describes him as “a conservation warrior, a strategist, a trailblazer with resolute determination and courage”.

News of Lotter's conservation efforts had reached none other than famed primatologist Jane Goodall, who lauded his “courageous fight against poaching of wildlife”. In a posthumous tribute to him, Goodall described Lotter as “a hero of mine, a hero to many, someone who devoted his

life to protecting Africa's wildlife". His work, Goodall added, had made a huge difference in the fight to save Tanzania's elephants from the illegal ivory trade. And his dedication to his work, even in the face of plenty of opposition, inspired many.

Echoing Goodall's sentiments, Sean Willmore, president of the International Ranger Federation and managing director of the Thin Green Line Foundation, both of which Lotter was highly involved in, called Lotter "a true champion of this planet". In a statement issued soon after Lotter's death, Willmore wrote: "His devotion to the cause, in the face of huge obstacles and dangers, has enabled the education and training of hundreds of village game scouts, which has provided them a livelihood and most likely saved many of their lives. Countless elephants and animals also still roam this earth because of him".

According to a statement issued by the Elephant Crisis Fund in August 2017, Lotter's work had helped to achieve "real success" against organised-crime networks, with PAMS having aided the "first significant win" against the wave of poaching that had slashed Tanzania's elephant population by 60% between 2007 and 2016. However, with each such success came an increase in the danger to Lotter's life. Many of those who work in the conservation sector have linked his murder to organised-crime networks operating in Africa, driven by the demand for ivory in Asia.

As Prince William, who has himself campaigned to end the illegal wildlife trade,

said at the time, Lotter's "violent and apparently targeted murder shows just how dangerous the situation has become in relation to the big money that is associated with the illegal ivory and rhino horn trades". He credited Lotter and the rangers and conservationists like him across the globe for their selfless dedication to stopping those who wish to destroy Africa's natural resources.

Those in the field have frequently spoken about the threats faced by anti-poaching workers from those who have a vested interest in the trade. In a 2016 article from *The New York Times* about anti-poaching efforts in Tanzania, Lotter highlighted some of the dangers of the work, referring in particular to the murder of British helicopter pilot Roger Gower early that year. Gower had been killed by poachers while flying over a wildlife reserve near the Serengeti National Park in Tanzania looking for signs of poaching. As Lotter reflected: "The more you go after them, the more situations where confrontation between poachers and rangers will take place. There are going to be risks".

A report released in 2013 found that the growth of the illegal trade in ivory had placed African elephants under severe threat. The report, produced by the UN Environment Programme, the Convention on International Trade in Endangered Species, the International Union for Conservation of Nature, and Wildlife Trade Monitoring Network (TRAFFIC) concluded that the systematic monitoring of large-scale seizures of ivory destined for Asia indicated the involvement of criminal

networks, which were increasingly active and entrenched in the trafficking of ivory between Africa and Asia. The report called for improved law enforcement across the entire illegal ivory supply chain, as well as strengthened national legislative frameworks and emphasised the need to fight collusive corruption, identify syndicates and reduce demand. Tom Milliken, TRAFFIC's ivory-trade expert, said: "Organised criminal networks are cashing in on the elephant poaching crisis, trafficking ivory in unprecedented volumes and operating with relative impunity and with little fear of prosecution."

In 2016, *The Guardian* uncovered the ringleaders of one major wildlife-crime network, linking key traffickers to corrupt officials at the highest levels in Asia. While a poacher in Africa could sell ivory for up to US\$150 a kilogram, in China it sells for much higher – sometimes as much as US\$ 2,025 a kilogram. As *The Guardian* report states, "this is a profit-hungry global crime conducted by some of the same ruthless and violent groups that traffic drugs and guns".

In recent years, however, Tanzania has seen some hopeful progress. In early 2019, notorious Chinese businesswoman Yang Fenglan – nicknamed the Ivory Queen – was sentenced to 15 years in prison after being convicted of smuggling about 800 pieces of ivory from Tanzania to the Far East between 2000 and 2014. She is also accused of operating one of Africa's biggest ivory-smuggling rings, responsible for the smuggling of US\$2.5 million worth of tusks from some 400 elephants. Experts in the

field have said that this sentence should be a good deterrent against this devastating form of transnational crime. In an article in *The Telegraph*, Milliken referred to Yang's conviction as "hugely significant". "As her jail sentence pulses through the Chinese community", he said, "the prospect of spending that long in an African jail is certainly going to be a deterrent for certain individuals".



ICCN General Director investing Oliver Nelson as new manager of Salonga National Park in DRC with the Director of WWF-DRC looking on.

SOURCE: © SINZIANA-MARIA DEMIAN/WWF

BINGO complicity, necropolitical ecology and environmental defenders

Mary Menton^{a) b)} and Paul Gilbert^{c)}

Abstract

Several big international non-governmental organisations (BINGOs) have been instrumental in increasing the attention brought to the lived experiences of environmental and land defenders and the atmospheres of violence they face. Among the many BINGOs who frame themselves as ‘supporters’ or ‘protectors’ of environmental and land defenders, several have been complicit in violence perpetrated by park guards and resource extraction companies. In this paper, we unpack the multifaceted nature of the role BINGOs play in shaping the atmospheres of violence with which environmental defenders contend. While BINGOs have acted as whistle-blowers and advocates providing legal assistance to at-risk defenders, they have also been complicit in ‘green violence’ perpetrated in the name of conservation, and more subtle relationships of ‘partnership’ with industries and specific corporations engaged in neo-colonial forms of extraction and violence against defenders. BINGO complicity with the violence against defenders replays the historical entanglement of some organisations with displacement and violence enacted in the name of colonial era conservation. We argue that BINGOs can, and must, work towards more radical forms of decolonial solidarity with environmental and land defenders who contend with atmospheres of violence shaped, in many cases, by conservation efforts and resource extraction activities with which BINGOs may be complicit, either directly, or through various forms of ‘partnership’.

Key words: BINGOs, environmental defenders, necropolitical ecology, partnership

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Introduction

Over the past decade, attention has been drawn to at-risk ‘environmental defenders’ by a host of multilateral organisations, BINGOs (Big International Non-Governmental Organisations) and solidarity networks. Notably, Global Witness has been documenting murders of environmental defenders since 2012. Environmental and land defenders face a myriad of forms of violence: unfolding ‘slow violence’ (Nixon, 2011), threats of violence, forced displacement, criminalisation and even direct physical violence (Menton et al., 2021). In all these forms, international actors have been complicit in violence against defenders. While extractive industries have frequently been highlighted as complicit in shaping the atmospheres of violence with which defenders must contend (Scheidel et al., 2020; Le Billon, 2021), these same industries have also been key strategic partners of numerous environmental BINGOs who profess solidarity with defenders. In this paper, we show how environmental BINGOs (CI, TNC and WWF) – through efforts to scale up conservation and partnerships with extractive industry firms who help fund conservation through offsetting, are complicit in a ‘necropolitical ecology’ whereby defenders are systematically exposed to increased risk of harm, violence and death. Such partnerships between BINGOs and extractive industry firms can facilitate the ‘greenwashing of violence’ that is perpetrated by those same companies. At the same time, BINGO efforts to establish a ‘Thin Green Line’ and militarise conservation create a precarious double-standard by valuing some lives while cultivating silence about the complicity of park guards in the deaths of others. We don’t intend to ‘throw stones from the side-lines’ and occupy the ‘comfortably radical’ role of a priori critiquing partnerships between extractive industry corporations and environmental BINGOs. Instead, we highlight the urgent need for action within the conservation community (Bille Larsen et al., 2020) and for BINGOs to acknowledge their roles in this violence and realign their practices and priorities in order to stand in solidarity with environmental defenders.

Necropolitical ecology and the thin green line

‘Necropolitics’, as defined by Mbembe (2003), refers to how authorities exercise the right to expose people to death, or the risk of death. Recently, political ecologists have taken up Mbembe’s work on necropolitics, noting its resonance with colonial ‘shoot on sight’ responses to poaching (Cavanagh and Himmelfarb, 2014). Notably, one of the organisations discussed here (WWF – like the IUCN) had among their founders members of the Society for the Protection of Wild Fauna of Empire, an organisation explicitly concerned with criminalising poaching along racialised lines, while maintaining license for colonists to hunt for sport. Here, as with more contemporary shoot on sight responses to poaching, sovereign authority is exercised to expose certain people – often subsistence hunters criminalised as ‘poachers’ – to the risk of death.

In this paper, we examine the necropolitical ecology of the spaces in which environmental BINGOs conduct conservation activities, as well as the extractive zones

in which their corporate partners operate. In both cases, we identify a reproduction of “deathly spaces, where certain people are more systematically assured of exposure to greater risk of bodily harm and death” (Margulies, 2019). We do not make claims about the *intent* of either environmental BINGOs or their corporate partners, but instead highlight their complicity in creating atmospheres of violence: zones where certain deaths are more likely, and only certain deaths are mourned; where rangers are granted the “formal and tacit authority and even responsibility to secure space, and punish transgressors in the name of protecting the spaces and lives of the nonhuman” (Massé, 2020). In particular, we stress the significance of the notion of the Thin Green Line in policing the deathly spaces of conservation and the role that corporate partnerships play in greenwashing violence by providing kudos to corporations who are linked to atmospheres of violence.

This paper builds on an analysis of the way the ‘Big Three’ conservation organisations – WWF, TNC and CI – position themselves in relation to environmental defenders. We focus equally on the complicity of environmental BINGOs in green violence associated with militarised conservation, and on BINGO partnerships with extractive industry corporations, some of which are implicated in violence against defenders. The focus is on extractive industry corporations in particular, for several reasons. Firstly, extractive industries positioned themselves as ‘first movers’ in the turn to Corporate Social Responsibility and partnerships with NGOs in the 2000s, and have developed sustained and longstanding partnerships with environmental BINGOs (Adams, 2017; Rajak, 2011; Rainey et al., 2015). Secondly, several of the extractive industry corporations with whom environmental BINGOs maintain significant partnerships were identified by the Climate Accountability Institute (2019; Licker et al., 2019) as among the top twenty fossil fuel emitters collectively responsible for 35% of emissions (1965–2017) and 51% of ocean acidification (1965–2015).⁴ Finally, we focus on partnerships with extractive industries because extractives are among the industries from which environmental defenders are at the most risk (Global Witness, 2018), and the sector about which complaints of human rights abuses are the most prolific (BHRRC, 2015; Bernal Bermudez et al., 2016).

The organisations studied in this article have entered into partnerships with extractive industry firms while also explicitly engaging with discourse on environmental defenders. The Nature Conservancy (2016) has framed its partnerships with Indigenous people in terms of relations with ‘nature’s first defenders’ based on a (perhaps belated) recognition that upholding forest community’s rights is associated with lower deforestation rates. Defenders here, however, are figured as protectors of nature for humanity as a whole, rather than those subjected to atmospheres of violence for defending their land, livelihoods and environment. This framing of defenders as protectors of a global nature forms part of the ‘Thin Green Line’ discourse which we examine in more detail below.

WWF has engaged more broadly with environmental defenders discourse than the other BINGOs. Representatives of their Governance Practice and Sustainable Development Goals (SDG) Hub, Ganapin and Osieyo (2019), draw attention to Frontline Defenders’

figures in order to argue for the significance of SDG 16 (on promoting peaceful and inclusive societies, providing access to justice, and building accountable institutions) for building the good governance needed for protecting and restoring nature. While this use of the defenders' discourse most clearly echoes the now-dominant human rights-based framing of environmental defenders, at other times WWF representatives frame former illegal loggers turned anti-poaching game scouts as 'forest defenders' (Skinner et al., 2018). Yet, as we show in the next section on green violence, WWF in particular has demonstrated a rather different response when it comes to the deaths of eco-guards and park rangers, as compared to those who die or are assaulted at the hands of allegedly WWF-supported park guards.

We argue that this reflects a form of necropolitical ecology, whereby the lives of those who died in the service of 'protecting nature for all humanity' are valued more than those who die at the hands of militarised conservation forces. By upholding a Thin Green Line between park guards and those who die at the hands of park guards, render certain forms of slow violence invisible, and reproduce colonial forms of nature conservation that undermine prospects for decolonial solidarity with defenders. As we discuss in the subsequent section, prospects for decolonial solidarity are further undermined by violent partnerships with extractive industry corporations.

Green violence

As Fletcher (2018) finds, many states distinguish between green violence they deem legitimate (e.g. violence linked to anti-poaching) and illegitimate green violence (e.g. environmentally oriented political violence in the form of sabotage by organisations like Earth First). Much of the literature around green violence focuses on the militarisation of conservation – the use of armed park guards to patrol national parks and combat poaching. It's important to note, however, that green violence also comes in the form of forced displacement of local people from protected areas (Ybarra, 2017; Lunstrum & Ybarra, 2018), restrictions on access to natural resources upon which local communities depend, criminalisation of traditional hunting and harvesting practices, and symbolic and discursive violence. The militarisation of conservation has also led into a 'war by conservation' through the alignment of conservation NGOs with global security projects that promote a poachers-as-terrorists narrative (Duffy, 2016). Many environmental NGOs and BINGOs frame conservation and anti-poaching efforts as a war, with Conservation International's film *Hotspots* calling it "the mother of all wars" (Buscher & Fletcher, 2018).

In 2019, *BuzzFeed* and the *Kathmandu Post* published a series exposing the apparent involvement of WWF-trained and funded park guards in the torture and killing of local residents and Indigenous people in Nepal, Cameroon and CAR (Warren and Baker, 2019a). Specifically, WWF was said to have celebrated the acquittal of guards connected to the death and torture of a Nepalese man, Shikharam Chaudhari, by Chitwan National Park guards, making unsubstantiated allegations that the victim

was a ‘crime convicted individual’, and either hired or handed awards to park guards and soldiers accused of this and other offenses. In Cameroon, WWF was accused of suppressing findings that villagers in a proposed park site feared abuse by forest rangers. In other places, WWF-supported eco-guards were accused of numerous human rights abuses – of which WWF appears to have been aware for at least one year prior to the *BuzzFeed* exposé (Baker and Warren, 2019a; 2019b; 2019c). Indeed, public reports of links between the WWF and park rangers accused of human rights abuses pre-date the *BuzzFeed* report by some years (Corry, 2015), as do allegations that WWF had been non-responsive when presented with evidence of abuses carried out by rangers and eco-guards (Survival International, n.d.). When WWF announced a review to be carried out by former UN Commissioner for Human Rights Navi Pillay, Indigenous rights organisations expressed concern about the limitation of the review to the *BuzzFeed/Katmandu Post* allegations when “these issues are endemic rather than isolated”, and many such abuses had been “reported to WWF previously” (Counsell, 2019; WWF, 2020a).

The independent review, released in November 2020, found that WWF failed to follow-up on credible allegations of human rights abuses, and its human rights commitments were particularly weak in Congo Basin countries (WWF, 2020a). In response to the independent review, WWF management stated: “we recognise that allegations of human rights abuses have been made against rangers and other third parties not under WWF’s direct control. These allegations were raised in some of the most conflict-affected and insecure places where we work. The reported atrocities go against all the values for which we stand. Human rights abuses are never acceptable, and we feel great sorrow and sympathy for the people who have suffered” (WWF, 2020b). The response outlines actions WWF plans to take to better safeguard human rights in its work, yet the language used shifts the blame away from their own organisation. Greenpeace (2020) responded: “WWF needs to fully own their responsibility for abuses that are committed by rangers or ‘ecoguards’ working in the protected areas WWF manages or co-manages”.

The *BuzzFeed* articles and the independent review reveal that WWF had prior knowledge of alleged human rights abuses and violations attributed to park rangers and eco-guards that they have funded and/or trained. The absence of prior action on these allegations sits at odds with WWF’s concern over park rangers and eco-guards who have lost their lives in the course of their work. In partnership with the Australian Thin Green Line Foundation, WWF have compiled a database of the number of park rangers who have lost their lives in the line of duty since 2009, totalling 871 by 2018. Reporting on the 2018 survey, WWF (2018) report that “forty-eight rangers of the 107 lost this year were murdered at their place of work whilst protecting wildlife that we all care about”. Narratives from friends and colleagues of murdered rangers are included along with the figures, memorialising their service in the protection of wildlife for all. Yet, read alongside the studied silence that has surrounded persistent and endemic allegations of human rights abuses *on the part of* rangers, their celebration by WWF and the Thin Green Line shares much with the discourse surrounding the reactionary ‘Thin Blue Line’ rhetoric that has proliferated in the USA as part of a violent backlash to Black Lives Matter.

WWF funded rangers
in Gabon

PHOTO: © WWF



As Wall (2019) notes, the notion of the Thin Blue Line acts as a fiction of legitimate violence designed to “render state violence as always defensive in nature while marking unruly populations as not merely transgressors of positive law, but as *hostis humani generis*: ‘enemies of all mankind’”. Here we see the Thin Green Line – both

the organisation and the concept as reflected in the memorialisation of rangers over those killed by rangers – operating as a fiction of legitimate violence that renders green violence as always defensive, and frames ‘unruly’ populations as enemies of wildlife ‘that we all care about’. This necropolitical approach to conservation dovetails with a studied silence regarding the atmospheres of violence produced by the actions of extractive industry corporations who maintain partnerships with environmental BINGOs.

The violence of partnership

Over the last twenty years, environmental BINGOs have steered themselves away from what WWF ambassador and management guru John Elkington (1999) termed the *polariser* role of fighting against businesses, towards engaging with business as *integrators*. Critical NGOs are now hardly welcome at Corporate Social Responsibility and Ethical Business events, where a clear delineation is made between “partners of choice” for business actors, and “reckless NGOs who destroy brand and reputation with unfounded accusations” (Rajak, 2011; Gilbert, 2015; Cousin, 2014). Representatives of the ‘Big Three’ environmental BINGOs have spoken out to defend partnerships with large corporations representing extractive industries that critics depict as predicated on environmental and social harm (Benson & Kirsch, 2010).

Peter Seligmann, founding CEO of CI, epitomises this antipathy towards *polarisers* and embrace of partnership with large transnational corporations. He declared that it’s “simply not sufficient to throw stones from the side-lines [...]. We believe that often the biggest improvements to environmental conservation and human well-being can come from effecting change amongst those who have the biggest impact” (Seligmann, 2011; Foster, 2014). A similar inducement towards working with the largest (and perhaps the most harmful) corporations came from Peter Kareiva, Chief Scientist at TNC, following criticism about TNC’s partnership with BP in the wake of the Deepwater Horizon oil spill (Ottaway & Stephens, 2003). Kareiva declares: “Look, I know that energy extraction is sometimes environmentally damaging, just as roads, ports, biofuels and even desert solar panels can be. In fact, Conservancy scientists engage with the energy industry *precisely because* that industry often does harm the environment” (Kareiva, 2010). Jason Clay and Rob Soutter of WWF likewise insist that working with the largest and most impactful

corporations ensures that “when they improve, everyone else in the sector will follow suit”, and that “power lies with the corporations. We can only achieve something by working with them” (Huismann, 2014). Reflecting the widespread legitimization of partnership with harmful industry players and hostility to critical or oppositional modes of engagement among environmental BINGOs, IUCN Patron of Nature Jon Stryker (2018) has written of the need for “teaming up with ‘nature’s enemies’[...]and the] need to become more pragmatic about choosing collaborators”.

This embrace of collaboration over critique on the part of environmental BINGOs also involves a highly particular approach to corporate personhood. BINGO representatives appear unwilling to attribute specific harms to corporate bodies as a whole, or comment on how operations in one jurisdiction might be more harmful than operations carried out as part of ongoing conservation partnerships (e.g. Huismann, 2014). In 1997, WWF Canada nominated Shell for a British Columbia Minister’s Environmental Award. This nomination took place two years after the killing of Ken Saro-Wiwa and the Ogoni 9, following their campaigning against Shell in the Niger Delta. Pegi Dover, Director of Communications for WWF Canada wrote in response to criticism that the nomination “is not an overall endorsement of their environmental practices... WWF has not commented on the overall environmental record of any of the [nominees] and does not anticipate doing so”. While environmental BINGOs might be reluctant to cast their partnerships in terms of relations with (or endorsements of) entire corporations, many of the corporations they partner with are happy to present their collaborations in this way – and the ability to identify an accountable corporate person is a vital part of seeking redress for corporate human rights abuses (Gear & Weston, 2015).

Critical political ecologists have framed this relation between environmental BINGOs and corporations with questionable human rights and environmental records as a form of ‘Faustian Bargain’ whereby BINGOs accept market-based approaches to conservation and the notion that capitalism can be fundamentally sustainable (Adams, 2017). The result is a shared interest in scaling up conservation and offsetting extractive operations, enabled through the framing of nature as ‘natural capital’ that is fundamentally substitutable – both for other *units* of natural capital and for other *forms* of (economic, social) capital (Adams, 2017; Chapin, 2004; Kirsch, 2010).

Nonetheless, there is little definitive evidence that corporations who partner with environmental BINGOs reduce their environmental impact or enhance biodiversity conservation and the maintenance of ecosystem services (Robinson, 2011). While mining companies are ‘leaders’ in the setting of ‘no net loss’ or ‘net positive impact’ biodiversity conservation goals, most of these goals “have advanced little beyond definition” (Rainey et al., 2015). Against this absence of clear evidence that corporate-BINGO partnerships produce conservation gains, serious questions need to be asked about the consequences of partnership with industries that are often complicit in producing the atmospheres of violence to which defenders are subjected, and the degree to which such partnerships are themselves a feature of ‘necropolitical ecologies’ whereby some environmental defenders are systematically exposed to more risk of harm, violence and death.

BHP: The Nature Conservancy and Conservation International

BHP, a multinational mining company listed in London and headquartered in Melbourne, has embarked on a number of partnerships with BINGOs. BHP provides funding to TNC-led conservation activities in Australia, and in 2011, CI launched a global alliance to preserve high conservation value areas in regions where the multinational mining company BHP is active. BHP's partnership with CI extends to an initiative to develop 'Forest Bonds', as well as projects that focus on 'compensatory actions' and the 'mitigation hierarchy', a clear example perhaps of Adams' (2017) Faustian bargain through which environmental BINGOs have embraced the language of market-based solutions and the logic of offsetting to enable the pursuit of growth and scalable conservation in tandem (Chapin, 2004; Kirsch, 2010). CI's Marielle Weikel, speaking to *Mining Technology* magazine in 2019, praised the \$50m that BHP has invested in conservation over the course of their partnership, protecting "16 species and enhancing 2,500 livelihoods" (Evans, 2019). For Weikel, CI's partnership with BHP can be understood from the standpoint that "we simply will not reach the goals of the Paris Agreement without harnessing nature as a climate solution [...] CI believes that there is both a need and an opportunity for the private sector to invest in and support natural climate solutions to help nature realise its full potential as a climate solution" (Ibid.).

BHP has simultaneously been criticised for its membership of a lobbying group advocating for the expansion of coal. Even following CEO Andrew Mackenzie's celebrated speech in 2019 committing BHP on a course towards net zero emissions, shareholders voted to remain in the Minerals Council of Australia, a lobbying group accused of working against the Paris targets and with 'pro-coal' advertising campaigns (Hume, 2019). As noted above, serious questions have been raised about the contribution that firms such as BHP – and the other extractive industry corporations partnering with the BINGOs at the centre of this article's analysis – have, while maintaining their global carbon emissions and increasing ocean acidification in the process (Licker et al., 2019). But the 'harmony ideology' (Foster, 2014) underpinning partnerships between extractive industry corporations and environmental BINGOs does more than paper over the biophysical impossibility of sustainable 'growth' premised on continued resource extraction (Ward et al., 2016). It also detracts attention away from the continued allegations of human rights abuses made towards BINGOs' corporate partners, and undermines efforts to build solidarity with defenders who are attempting to hold corporations like BHP to account.

Leaving aside various historical scandals (Kirsch, 2014), BHP remains embroiled in allegations of human rights abuses. A £3.9 billion class action suit was put before the UK's courts in April 2019, attempting to hold BHP to account for its part in the Samarco tailings dam collapse which resulted in the death of 19 people and the toxification of the Doce River and surrounding land (Miller, 2019). Environmental and other human rights defenders from Latin America have travelled to the UK to address BHP at shareholder meetings, expressing concern about delayed reparations

at Samarco and the lack of housing built since 2015 – as well as raising concerns about displacement of Indigenous communities at the Cerrejon mine (part-BHP owned) and the impact of the mine on vital water sources (James, 2019b). Representatives of the Tabaco Relocation Committee have expressed concern that after 18 years, Cerrejon has not met its obligations to provide relocation, reparations or productive land (James, 2019a), allegations which Cerrejon (2019) displaced back on to the community, stating it was impeding its progress.

Without wishing to be reductive about the complex organisation of both environmental BINGOs and their corporate partners, neither of which can be attributed unitary motives or intentions, it's perhaps unsurprising that defenders might not perceive BINGOs to be their allies when they partner with corporations whose shareholders vote to continue undercutting the Paris goals, rather than the defenders who attempt to secure land, livelihoods and environment in the face of extractive harm.

Royal Dutch Shell: The Nature Conservancy and (formerly) WWF

BHP is but one among many mining and oil 'supermajors' who partner with leading environmental BINGOs. Shell's long history of 'partnership' with WWF has been well documented (Huisman, 2014), and they have been in partnership with TNC since 2009 and IUCN since 2003. As with CI's relationship with BHP, there is a focus on the 'mitigation hierarchy', and the reduction of net carbon footprint through offsetting: Adams' (2017) Faustian bargain once more in action. Meanwhile, concerns have been raised by UNEP over Shell's failure to clean up oil spill sites, and its use of discredited and misleading information to attribute oil spills in the Niger Delta to sabotage or theft (Amnesty International and FOE, 2014; Amnesty International, 2014). There are haunting parallels between internal memos that appear to show Shell requesting support from the Nigerian military, paying honoraria as a "show of gratitude" for the "sustained favourable disposition" shown by military commanders implicated in killings of Ogoniland civilians (Dummett, 2019; Zalik, 2004), and the WWF's displays of gratitude towards park guards accused of abuses and murder in Nepal. If environmental BINGOs continue to uphold the 'Thin Green Line' through their own practices, and partner with extractive industry corporations who attempt to evade accountability for their own complicity in creating atmospheres of violence, it becomes difficult to see how meaningful or decolonial solidarity with defenders can be cultivated.

Conclusion: Decolonising solidarity

I will not waste my time working with [environmental BINGOs]. They are in bed with the very people we are fighting against, with the same people who are killing us and destroying our waters. [Environmental defender from Ecuador, August 2018]

As we argue above, environmental BINGOs are frequently complicit in shaping ‘necropolitical ecologies’ and atmospheres of violence around sites of conservation and/or extraction. Unsurprisingly, many environmental defenders don’t see BINGOs as allies when they side with extractive corporations and ‘enemies of nature’, rather than the defenders who attempt to secure land, livelihoods and environment in the face of extractive harm. The greenwashing of violence resulting from BINGO partnerships with extractive companies and their complicity in green violence carried out in the name of conservation, reflect a holdover from the colonial past (and present) of conservation. While growing efforts to support environmental defenders are commendable, BINGOs and other actors need to consider the implications of their wider remit of activities and partnerships, many of which contribute to creating the very spaces and atmospheres of violence that threaten environmental defenders. Silence in the face of necropolitics, in the face of human rights violations, and complicity in greenwashing companies responsible for slow violence and other violences, is inexcusable.

Given the increasing number of accusations and reports that point towards their complicity, BINGOs cannot claim ignorance and need to take concrete actions to counteract the human rights violations and violence with which they have been complicit. Recent signs are not promising in this regard. As Dominguez and Luoma (2020) note in their alternative executive summary of WWF’s Report of the Independent Panel of Experts published in November 2020, WWF’s claim that the Independent Review found no evidence that WWF staff “directed, participated in or encouraged” human rights abuses is not upheld by the Report’s findings. In fact, the Independent Review found that WWF had knowledge of alleged human rights abuses and provided support to eco-guards despite knowledge of alleged human rights abuses in protected areas in Cameroon, DRC, ROC, Nepal and India. Resurgent enthusiasm among BINGOs and business leaders for expanding protected areas under the rubric of a ‘New Deal for Nature’ is equally concerning, in the face of failures to address recent human rights abuses. While defenders attempt to hold transnational corporate executives accountable through legal mechanisms, we must ask whether BINGOs are still content to distance themselves from extractive corporations’ activities beyond the narrow confines of their partnerships.

We argue for a decolonial approach to conservation, for a “vision of human life that is not dependent upon or structured by the forced imposition of one ideal of society over those that differ” (Mignolo, 2007). In essence, a transition towards convivial conservation which Buscher and Fletcher (2019) describe as a “post-capitalist approach to conservation that promotes radical equity, structural transformation and environmental justice, and so contributes to an overarching movement to create a more equal and sustainable world.” A transition away from the creation of ‘deathly spaces’ (Margulies, 2019) and the ‘atmospheres of violence’ that put environmental defenders at risk (Menton et al., 2021).

Many INGOs have begun to engage in discourses around decolonial approaches and shifting the power away from INGOs based in the North towards NGOs and grassroots movements in the South. Such a shift would allow for more effective change, but also would lead to a drastic change in the structure of these organisations and has been slow to materialise.

As Doane (2019) noted recently, for “all the lofty words about ‘shifting the power’, many INGO staff and board members still seem unable to let go of a model that values technocrats over movement builders, and which places a higher value on their own northern white role”. Environmental BINGOs are no exception. It’s time to move away from a focus on Centers for Environmental Leadership (CI) and One Planet Leader Academies (WWF) that further amplify the voices and perspectives of personnel from BINGOs’ corporate partners. Instead, we need to foreground the voices of defenders, listen to the narratives of those who live in atmospheres of violence, and take care before entering into partnerships with the “bewilderers” who turn the slow progression of environmental violence into doubt and inaction (Nixon, 2011). Decolonising BINGO solidarity with environmental defenders requires structural change, but perhaps more critically, bravery on the part of BINGOs to recognise their complicity and begin to build decolonial, respectful and equitable relationships with grassroots movements and communities that fight to protect lands, forests and waters from invasion by extractive industries and thereby protect the wildlife and ecosystems that BINGOs aim to conserve.

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The Murder of Zafar Lund

by Ali Nobil Ahmad*

They came asking for help.

“We’re extremely poor. We need work”, implored the strangers. Rawal Lund told them his father, Zafar, was not currently in charge of any major projects and unlikely to be hiring. They had experience in the relevant sector, they pleaded, insisting on an audience with the 55 year-old political activist and NGO worker. Admired for his bold campaigns in solidarity with Southern Punjab’s disenfranchised peasantry, Zafar Lund was reputed for his generosity towards the downtrodden.

Rawal agreed to stir his father from an afternoon nap before returning to his desk to continue studying for the civil service entry exams, a strategy agreed upon the night before as they’d planned the 24 year-old’s future together.

A crudely crafted silencer muffled the single shot fired. Cries from a nearby onlooker led him back outside to a scene he sees vividly but hesitates to describe. The two assailants had fled on their motorcycle. Images of his father’s lifeless body circulated on social media in the days after his murder in July 2016 indicate an entry wound below the right eye.

To the Ahmadiyya minority into which Zafar Lund was born, the message of intimidation conveyed through his brazen execution is familiar. Declared non-Muslims, and prohibited, by the state,

from publicly professing their beliefs, Ahmadis in Pakistan are shunned within mainstream society and hounded by extremists. Hate crimes are rarely prosecuted. In August 2015, unidentified gunmen on motorcycles sprayed a 37-year-old pharmacy owner with bullets in Taunsa, a town not far from Lund’s residence in Kot Addu city.

However, Zafar Lund’s assassination brings new questions to light and is being investigated by Punjab police’s Counter Terrorism Department. His identification as an Ahmadi is a probable reason for his targeting, but no militant group has claimed responsibility. A pragmatic eco-socialist and human rights defender who embraced the pluralism of pan-religious folk traditions, Lund was careful to avoid antagonising clerics and rarely discussed confessional affairs. As a mobiliser of the poor, he ruffled many feathers in the districts of Dera Ghazi Khan and MuZafargarh. The range of reactionaries who might welcome his elimination includes a wide array of landowner-politicians and their goons in the police, venal politicians and ministers, corrupt bureaucrats, and avaricious sub-contractors.

Then there are elements of the state which have exported jihadism against perceived enemies abroad for decades. Within Pakistan itself, militant wings of religious organisations have been granted intermittent protection from police scrutiny

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Zafar Lund being interviewed in 2011.

PHOTO: ASAD FAROOQ AND ALI NOBIL, 2011

given their useful role in deterring internal ‘subversion’ by ethno-nationalists. Haunted by the loss of East Pakistan in 1971, the military is particularly sensitive to the situation in Baluchistan, viewing Islamist terrorism as a lesser evil than separatism. The abduction of outspoken critics of the religious and military establishment in recent weeks has traumatised the country’s beleaguered community of liberals and left-wing dissidents.

The truth behind Zafar Lund’s assassination – like so many others that have defined Pakistan’s troubled history, from its first Prime Minister Liaqat Ali Khan to Benazir Bhutto and a slew of journalists and activists since – may never be known. A good deal, nonetheless, can be gleaned from the details of his remarkable life.

Zafar Lund cut his political teeth as a student organiser under General Zia-ul-Haq’s martial law. A workshop by Bengali theatre director Badal Sarkar in Lahore during the mid-1980s inspired him to develop street theatre as a tool of resistance. Guerilla performances of plays critical of Zia’s tyrannical regime drew

crowds that gathered and dispersed before the authorities could intervene.

Following the restoration of democracy in the 1990s, Lund adapted to a post-ideological world. Like many progressives of his generation absorbed by civil society, he viewed development from the perspective of local stakeholders, empowering populations displaced by the state and its functionaries’ pursuit of abstract growth and personal profit. The Green Revolution, Lund felt, was a continuation of the flawed colonial project that famously introduced perennial irrigation to the Punjab. If the British liked to brag about having ‘turned a desert into a bread basket’, they also disenfranchised the region’s pastoralist population, awarding vast plots of land to tribal leaders whose kin still dominates Southern Punjab’s dynastic politics. Continued transformation of the Indus basin through the building of infrastructure, mechanisation and commercialisation of agriculture after independence, he complained, had done little to change the political system or address inequality in land distribution.

Lund’s NGO, *Hirrak*, funded by Action Aid and other donors, was named after the sound made by descending hill torrents that irrigate lands adjacent to the Sulaiman range. Living up to its appellation as a symbol of hope and avowal of traditional farming, *Hirrak* did much to protect the livelihoods of riverine communities along the Indus.

Nourished by linguistic nationalism, Lund’s advocacy fed into cultural movements calling for his native tongue, Saraiki, to be recognised as an official language and demands for a Saraiki province to offset the dominance of Punjab within



Zafar Lund addressing displaced persons at a People's Tribunal in Taunsa, 2011.

PHOTO: ASAD FAROOQ, 2011

Pakistan's volatile federation. His primary constituency consisted of Saraiki-speaking populations marginalised by the steady colonisation of their region by ethnic Punjabi and Urdu speaking settlers allotted land since independence.

Adapting folk tales about the mutual dependency of humans, animals and ecosystems into plays performed alongside politically conscious poetry by local bards, Lund and his comrades fused tradition and aesthetics in support of environmental justice. Working closely with a trusted circle of academics and activists in Pakistan and overseas, he contributed to an important innovation in legal resistance to the onslaught of neo-liberal capitalism. Lok Saths – people's law tribunals – were adapted from traditional South Asian village gatherings as a means of mobilising communities against a plethora of wasteful and damaging engineering initiatives. The significance of these deliberations, in which communities across the Saraiki belt gather to document rights abuses and indict the authorities in their own language, is not merely symbolic: numerous ill-conceived megaprojects to remodel barrages and

construct power plants have been delayed, scrapped, re-located, or modified to include compensation packages for affectees.

Among those he worked with closely, Lund is remembered with reverence. "My father died that day [of his murder]", says Khadim Hussein of *Sindhu Bachao Tarla* [Save the Indus], an organisation modelled on India's famous movement to protect the Narmada Valley River. Khadim credits Lund with imparting his community with knowledge about their rights and well-honed techniques of organised resistance, along with the mental strength to deploy these against land grabbing eviction drives led by the dreaded police.

His knack for imbuing the vulnerable with courage and political wisdom is recalled with particular admiration by women, whose empowerment within staunchly patriarchal communities was given priority status. Raising awareness about the ills of child marriage and domestic violence, Lund set up adult literacy initiatives and helped many women get their first identity cards. Their transformation into active citizens within a misogynist conservative social order was an end in itself, but also a central pillar of his mobilisation strategy. "Women often outnumbered men in protests, hunger strikes and demonstrations," brags Kalsoom Bibi, current President of *Sindhu Bachao's* women's wing. "We used to run from the police", she adds, before proudly recounting how she and a band of other women, emboldened by Lund's interventions, punctured the tires of a police vehicle sent to evict them from their homes.

Lund's death went unreported within the international press and received little national coverage, a measure of

Southern Punjab's marginal position within Pakistani politics. "If a man of his calibre from Central or Northern Punjab were assassinated, the story would have run for at least two weeks", claims Nadeem Shah, a journalist in the ancient city of Multan. With the media dominated by elements of the Pakistani State whose distaste for the Saraiki movement and its sister struggles in Sindh and Baluchistan is well known, the circumstances of Lund's murder have not been seriously investigated.

A couple of days before it took place, a local man with known connections to a Deobandi Madrassa in Kot Addu warned several of Zafar's friends to avoid socialising with him, maligning him in terms that suggest a combination of factors, some unrelated to religion, might well have been at play in his targeting. A source close to the police investigating team confirmed this individual had been released after questioning, playing down his warnings as random and coincidental. "We're close to catching the culprits", he said, engrossed in my business card. Along with this and other glib reassurances about leads not being followed, I was questioned about my own movements; the whereabouts of my family; my Facebook user ID, and more. A contact in Kot Addu was later asked if I was an Ahmadi.

I once confessed to Zafar my squeamishness about the risks he and other Pakistani activists were subjected to during a visit to MuZafargarh. "You're wrong to think that way", he admonished, brushing death aside as an irrelevance: "We live on in our children".

Rawal ponders the future of his decapitated household. His burden is heavy, but the young man's poise gives strength to Zafar's

bewildered father and brother, visibly still deep in grief. The shirt Rawal wore that day, drenched in his father's blood as he frantically checked for a pulse, has been returned to the belly of the river Zafar spent so much of his life defending against modernist incursions.



Photo 3. Zafar Lund with two of his four children. Rawal (left) is now 24, and Shahik.

PHOTO: ASAD FAROOQ, 2011

An 11-year-old with dimples enters the room smiling, temporarily letting in some oxygen. Two days before the strangers on a motorcycle arrived, Zafar was coaxed into taking Shamir, his youngest son, for a swimming lesson. Rawal and his elder brother Shahik, currently studying abroad, had taught Shamir to float using a plastic tub in a nearby canal. The last hurdle remained. Much to the delight of friends who learned of this final act of impartation on Facebook, Zafar was successful. Within minutes, he instilled the boy with the courage to let go.



Stock farming in the Richtersveld under threat from conservation.

SOURCE: MAANO RAMUTSINDELA

Green violence and human rights in conservation spaces

Maano Ramutsindela*

Abstract

People living within and around protected areas have experienced forms of violence ranging from physical harm to psychological trauma. Critical conservation studies have documented violence in conservation spaces, but inadequate attention has been paid to violence as a human rights issue. In this paper I fill this void by framing various dimensions of green violence as a violation of human rights. I argue that the militarisation of conservation and the use of other forceful means to secure the environment normalise the violation of human rights in protected areas, and that this practice does not augur well for conservation and humanity.

Key words: green violence, human rights, militarisation, environmental rights

Introduction

In the context of environmental protection, human rights issues remain marginal within conservation policies and practices, despite growing international attention to inequalities and abuses of power. So far, most of the human rights concerning the environment have largely centred on the right to a healthy environment (Hayward, 2005; Shelton, 2010; Boyd, 2011) and the rights of nature, underpinning the activities of animal rights groups, environmentalists and environmental activists. While these developments are good for the environment and human welfare, and should be supported, they do not address violence in conservation spaces.

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Springer and Le Billon (2016) caution that the meaning of violence and the forms it takes are not fixed. In this paper, I use the concept of green violence, which refers to “the deployment of violent instruments and tactics towards the protection of nature and various ideas and aspirations related to nature conservation” (Büscher & Ramutsindela, 2016). Building on this concept, I argue that green violence is a human rights violation and that the rationalities for such violence deepen inequalities between human and nonhuman natures, as well as the hierarchical ordering of people along cultural and racial lines. I use a human rights lens to frame the negative consequences of green violence on conservation subjects.

Material violence, green militarisation and human rights

Green violence forms an important thread of the history of conservation and is useful for understanding the material, social and symbolic effects to local and Indigenous populations. Historically, the establishment of many protected areas was a violent affair marked by gross human rights violations, though this was not universal as some protected areas were established by or directly involved local people (Bolaane, 2005; Stevens, 2014; Murray & Burrows, 2017). The establishment of national parks and nature reserves in the former colonies and in Indigenous territories in highly industrialised countries was often achieved through brutal force manifested in evictions, murder, and genocide (Dowie, 2011). These acts of violence, as well as the coercive dimensions of protected areas management, are well documented, but they have not been properly framed as human rights abuses (Colchester, 1997; Jana, 2007). This accounts for the dearth of critical literature dedicated to the theme of the restoration of human rights and dignity in conservation spaces.

The exception to this is the literature on access to natural resources, land restitution, and the restoration of territorial sovereignty and rights to victims of land alienation (Coombes et al., 2012; Kepe & Tessaro, 2014; Ramutsindela & Shabangu, 2018). This literature points to the right to property, although many former colonies where land dispossession was acute have not yet achieved the objective of land restoration. The expansion of protected areas into land occupied and used by local people who do not actually own it complicates restitution. The recent phenomenon of land grabbing has capitalised on the ambiguity of land tenure and is characterised by forms of violence that resemble those under colonialism.

Human rights violations in conservation spaces have not been accounted for mainly because they were driven by states (Peluso, 1993) that were not accountable to anyone. In recent years, the United Nations Development Programme (UNDP) has established a Social & Environmental Compliance Unit, which investigates complaints about the current or potential adverse impacts of UNDP-supported projects or programmes on communities and their environment (UNDP, 2021a). The UNDP also established Social and Environmental Standards, which came into effect on 1 January 2015 with clearly

defined objectives, i.e. to strengthen the social and environmental outcomes of UNDP projects; avoid adverse impacts to people and the environment affected by projects; minimise, mitigate, and manage adverse impacts where avoidance is not possible; strengthen UNDP and partner capacities for managing social and environmental risks; and ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people (UNDP, 2021b).

Other initiatives emphasise the rights of local and Indigenous people to be consulted for conservation initiatives affecting them (Wright & Tomaselli, 2019). However, these measures are project specific and do not constitute a move towards a human rights approach to conservation. This lack of a human rights conscience is clear in the militarisation of conservation in which human rights protocols are suspended as in a war situation (Duffy, 2016).

The militarisation of conservation has gained much traction in literature that seeks to expose the way protected areas have become spaces of exception, where various types and tactics of war are being used. It is a dimension of green violence that focuses on the assemblage of measures that include the use of “forceful or armed forms of conservation; the development and application of military style approaches, and the use and applications of technologies originally developed by the military” (Duffy et al., 2019). The state plays a key role in this process because it has the monopoly of force (in the Weberian sense) and the sovereign rights over the territory on which protected areas are created.

States such as Botswana have used the militarisation of conservation as part of the defence of its sovereignty and as a demonstration of a commitment to conservation for which the country has been lauded as an example from Africa (Henk, 2007). As a result of this approach, Botswana’s former President Ian Khama has been honoured by governments and non-governmental organisations and institutions as a shining example of leadership in securing the protection of nature (Mogende & Ramutsindela, 2020). Such honours endorse the militarisation of conservation as an appropriate approach to conservation by states.

Other parties are complicit in the militarisation of conservation, especially in countries in the Global South. These include non-governmental conservation organisations (NGCOs), not-for-profit conservation organisations, for-profit organisations, and private paramilitary entities. For example, a not-for profit organisation like African Parks that works in nineteen parks in Africa provides private security services to government-owned properties. It prides itself for having “the largest ranger force for any one NGO in Africa” (African Parks, 2021). The result is the securitisation of national parks that licences African Parks to use lethal force in protecting national parks. The militarisation of conservation has also created opportunities for manufacturing companies to test their weapons of war in conservation spaces, and for foreign countries to participate in the war for conservation by supplying weapons to hotspots.

The supply of weapons by foreign countries in the name of protecting nature is part of a broader geopolitics related to contesting the sphere of influence as well as competing for access to minerals and other natural resources. For example, in 2019 Russia “supplied small arms to the Central African nation of Gabon to help it combat poaching and

protect national parks” (Moscow Times, 2019). This activity forms part of Russia’s approach to increasing its presence and expanding its influence in Africa. For its part, China supports conservation in Africa as part of its diplomacy. Hence, it is involved in joint law enforcement at the time when Chinese nationals have been blamed for poaching (Zhu & Zhu, 2020). My main point here is that the militarisation



Police vehicle in the Kruger National Park, South Africa

PHOTO: MAANO RAMUTSINDELA

of conservation has geopolitical implications that are broader than concerns with the violence against local people residing within and around protected areas. It also opens vulnerable countries to political and economic manipulation and influence by powerful nations and companies.

The creation of nature reserves by individuals interested in or committed to nature conservation has sometimes followed the same violent approaches used by states. For example, some private nature reserves in South Africa have been established in areas from which people have been forcibly removed; have used their resources to frustrate processes of land restoration; and are involved in training paramilitary units (Ramutsindela, 2016; Goyanes, 2017). Regarding NGOs, there is evidence of their collaboration with governments in persecuting Indigenous people in the Congo Basin (UNDP, 2020). This does not augur well for conservation. It would be a big mistake to limit conceptualisations of the militarisation of conservation to the state and to anti-poaching mechanisms. Green violence has taken place in conservation initiatives that are not plagued by the problem of poaching. Forceful means have been used to evict people from areas earmarked for the creation or expansion of conservation areas (Weldemichel, 2020).

Infrastructural violence

An enduring but subtle form of violence in conservation relates to the creation of conservation borders, say through a fence. Border scholars have shown how physical borders such as fences are tied up to and express broader struggles over property and natural resources, and that they are imbued with political, social, and environmental meanings of landscapes (Parker & Vaughan-Williams, 2012; Miescher, 2012). The fence has played various roles in conservation, including mitigating conflict between people and wildlife, protecting wildlife, enriching biodiversity, and preventing the spread of

diseases. The fence in conservation spaces should be understood as a cartographic tool through which conservation maps materialise on the ground (Ramutsindela, 2017). It could be added that the fence inflicts infrastructural violence by functioning as a barrier to access to the much-needed resources for the livelihood of local people, and by re-ordering the lived spaces of both humans and nonhumans. Once erected in conservation spaces, the fence demarcates areas in which new rules are enforced. In doing so, it criminalises historical users of the new enclosures.

Violations of human dignity

The Universal Bill of Human Rights, adopted by the United Nations General Assembly on 10 December 1948, recognises the inherent dignity and the equal and inalienable rights of all people, and considers any disregard or contempt for human rights as a source of barbarous acts. Article 1 of the Bill states that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (UN, 1948). The questions that arise in the context of conservation are whether human dignity matters and whose lives matter. Accounts from studies in various conservation sites make it clear that the life of non-Europeans has not mattered much in the imagination and implementation of conservation projects, and this continues into the twenty first century. Their lives are nothing compared to, say, wildlife, fisheries and forests that need statutory protection. This sense of “nothingness” manifests in the humiliation that some local and Indigenous people have suffered in the name of conservation. The recent story of the Indigenous Baka people in the Messok Dja area in the Republic of the Congo comes readily to mind.

It is unthinkable that we could witness barbarous acts referred to in the Universal Bill of Rights adopted some 70 years ago in conservation spaces in the twenty first century. The humiliation of people in conservation spaces need not be explained through narrow views of ethnic infighting and localised stereotypes. Rather, a fuller explanation should be framed through the lens of human rights in the interest of conservation and humanity. Stripping people naked to force them to move out of protected areas should be condemned by all as a violation of the dignity of people irrespective of what the cause is. The courageous Survival International has been at the forefront of exposing these violations, challenging governments and NGOs to observe human rights (Survival International, 2020).

The violation of human dignity also manifests in other forms, like the use of drones in search of suspected poachers around protected areas, where anti-poaching measures are in place. While drones appear to solve the challenge of monitoring and law enforcement in conservation, they raise questions of good ethical practices, and their negative social impacts undermine conservation efforts (Sandbrook, 2015). New surveillance technologies infringe on people’s rights to privacy, with, for example, people’s homes being subjected to surveillance by hovering drones without their knowledge.

The right to development

Discussions on conservation for development and the association of conservation with local development reinforce the need to think about human rights issues in conservation spaces. This is pertinent despite attempts to consign development issues outside the realm of conservation (Terborgh, 2004). A counterargument is that large-scale conservation projects are another form of development (Rao & Geisler, 1990). My view is that the framing of development could contribute to green violence, hence it is crucial for conservation policy and practice for two main reasons. First, the establishment of conservation areas impacts on the developmental needs and aspirations of people living in and around those areas. Some analysts have blamed conservation for the poverty of people in the vicinity of protected areas while others see poverty as a threat to the environment more broadly (Brockington & Wilkie, 2015; Mammides, 2020). Second, at the global and local levels, the development of local people is seen as necessary for the protection of the environment and the long-term sustainability of protected areas. The question though is whether local and Indigenous people have a right to development. This is appropriate because meanings of development include human freedom and human rights, meaning that people have the right to develop in their own cultural contexts; therefore development should not be imposed on them (Sen, 2001). The right to development as a human right has largely been violated in conservation in many ways, including disrespecting cultures. The violation of cultures also results from conservation for economic benefits in cultures that preserve nature for non-monetary values (Martinez-Reyes, 2014). The economic rationality has sometimes been used to evict Indigenous people from protected areas under the pretext of development (Sapignoli, 2018).

Conclusion

In this paper I framed green violence in conservation spaces through the lens of human rights to highlight three important points. The first point is that defending the environment by forceful means, including militarised conservation practices, places conservation in the awkward position in which human rights violations are normalised as conservation practices. A related second point is that green violence is characterised by dehumanising practices targeting non-western societies, especially marginalised cultural groups whose way of life do not chime with instituted protected areas and the ideologies of conservation. The third and last point is that there is a need for conservationists and environmental activists to condemn violence in conservation spaces for the sake of the environment, as well as the people. These points, and the discussion presented in this paper, call for critical conservation research to expand the concept of green violence to encompass various forms of human rights violations in conservation spaces. Conservation plans and policies should be guided by principles of nonviolence.

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Women Defenders of Land and Territory: Challenging Extractive ‘Development’

by **Laura Carlsen and Adelaide Mazwarira***

As with other Indigenous peoples, our ancestral land is where our identity is rooted; and so, care of the ancestral land, environment and resources is embedded in our way of life. This drives us to be defenders of land, life and resources.

Filipino woman land defender, speaking at the “Women Radically Transforming a World in Crisis”, Dialogue #6, hosted by JASS (2020).

Around the world, women are risking their lives to halt so called ‘development’ projects that threaten their communities, livelihoods and the ecosystems on which they depend (JASS, 2019). The extractivist model of ‘development’ they confront thrives on the large-scale exploitation of resources – land, water and minerals – to drive profits for elite and private interests, at the expense of local and Indigenous communities. Increasingly, the violence used to impose this model of ‘development’ and suppress resistance has thrust women into the dangerous role of *defenders* of their lands, ways of life, and life itself.

Extractivism refers to the centering of economies around the extraction and export of raw natural resources: oil, gas, precious minerals, forest products... Extractivism was the hallmark of colonialism and has continued unabated over centuries in Southern Africa. In the last two decades, extractivism has increased in scope and intensity with the discovery of new minerals and the intensification of mono-cultivation across the continent, often on the back of large-scale acquisitions.

Everjoice Win, Zimbabwean feminist activist (2016).

Extractivism is not new. Under European colonialism, companies plundered gold, silver, silk, timber, spices, fur and many other coveted items – including slaves – with no regard for the consequences for local and Indigenous peoples, who were relegated to sub-human status by the white supremacist ideologies used to justify these practices. Contemporary extractivism continues this legacy, leaving environmental depletion and human displacement in its wake. The key difference is its unprecedented rate – one which jeopardises planetary survival. Unequal power relations between companies, the state and local communities have barely changed since the colonial period. In our work, power is understood as “the degree of control over material, human, intellectual, and financial resources exercised by different sections of society” (JASS, 2014).

Today, instead of outright imperialist conquest, post-independence states often cooperate in the extraction and exportation of their own resources, for the benefit of corrupt elites and foreign companies. Despite narratives that extoll the virtues of ‘development’, many communities face the imposition of extractive projects at gun-point. Technology has increased the rate of extraction, and scarcer and less accessible resources have pushed transnational corporations to encroach on territories formerly protected by the original inhabitants through millennial-old sustainable practices.

* JASS (Just Associates). JASS is a feminist movement support organisation that equips and strengthens the leadership and organising capacity of community-based women and their organisations in Mesoamerica, Southeast Asia and Southern Africa. See: <https://www.justassociates.org/en/> or contact Adelaide Mazwarira (adelaide@justassociates.org) to learn more.



Indigenous women protesting against a mega-project in the Philippines.

PHOTO: BAI INDIGENOUS WOMEN'S NETWORK

Indigenous women rely on the forests, on the river – on all of our natural surroundings for survival. When private companies encroached on our land, things changed. For profit, these private companies cleared the forests and made the rivers polluted. Indigenous women's lives changed for the worse. We were ultimately forced to change our way of life.

Magdalena Kafiari, Indonesian Indigenous land defender from the Biyak tribe of Papua (JASS, 2014).

Women land defenders have developed a strong critique of this model through their own experience. Rural and Indigenous women depend directly on the land and its resources to sustain their families and their communities. Their relationship to land and territory encompasses not only dependence on the land for physical sustenance, but also an attachment to the territory for personal and community identity, traditional knowledge, spiritual connection and cultural continuity. When the land comes under attack, the women also come under attack, and they are often the first to defend against land grabs, displacement and environmental destruction.

We think that the territory is the space that our ancestors have been sharing with us, and they tell us that we must take care of life-- life that is found in the trees, the animals, Mother Earth. The territory teaches us that everything within it is necessary: the water, the land, the blowing wind. We think that we are not separated from Mother Earth; we cultivate her, we till her and we praise her because, from her, we receive the harvest of life. We were born to take care of her.

Adelaida Cucue Rivera, from the Purépecha Autonomous Community of Cherán, Mexico (Meeting of Women Defenders of Land and Territory in 2017).

It is because of this deep sense of connection to, and responsibility for, the land and the community that local populations so often resist the incursion of extractive mega-projects in Indigenous or peasant lands. From Honduras to Zimbabwe to Indonesia, women land defenders are speaking out about the impact of extractive industries, including mining, tourism, monocrops and energy projects, and organising their communities.

Women land defenders confront the narrative that development is an imperative that requires environmental destruction and social disruption in the name of progress. They advance a new narrative, shaped around discourses of strength, resistance, and social-ecological resilience.

As one Guatemalan land defender and activist (name withheld for security reasons) explained:

Organising is a way of caring for ourselves. The displacement of Indigenous communities by companies and corrupt officials today is just a continuation of the colonisation and genocide from decades earlier. But we are winning in small ways slowly every day. (JASS, 2020).

Nonhle Mbuthuma is a woman land defender fighting mining projects with her organisation Amadiba Crisis Committee on the coast of South Africa. She stated that her people are not against development, but they are against development that harms local communities.

The type of development I want to see in our communities is the development that is going to fit in our lives, not to push us out in order to open a space for 'development' – that's not development. Also, development that's going to respect our traditions and cultures, because once we lose that, we are like a walking dead people.

Nonhle Mbuthuma (JASS, 2020)

Defenders' activism comes at great risk. Defenders of environmental, land or Indigenous peoples' rights, made up 69% of all human rights defenders murdered in 2020, according to Front Line Defenders' annual report (FLD, 2021). In a statement to the UN Human Rights Council, Victoria Tauli-Corpuz, former Special Rapporteur on the rights of Indigenous peoples, noted that "extractive activities within the lands and territories of Indigenous peoples, carried out without the proper consultation or consent, are the main source of violations of their human rights, including violence, criminalisation and forced displacement." The danger women face is reflected in the fact that we have had to omit the full names of several of the women who shared their testimonies with us, for fear of reprisal against them for their work.

We can't live off our land anymore. There was fishing, but now the fish can no longer be consumed because the palm oil wastes are dumped into the river and the fish eat that, and then we can't eat our fish. Women as day labourers have a double burden, and they don't get paid fairly.

'Norjannah', a defender in Tanjung Selor, North Kalimantan Province, Indonesia with the Sustainable Forest Circle Association (Carlsen, 2020)

Companies employ heavily armed state and private security forces to manage operations and put down local opposition. Governments provide support by using military and police forces to repress resistance movements: harassing and imprisoning leaders, fomenting division in the community, using sustained threats and violence against defenders and their families, and defaming activists – particularly women.

With the track record of the government on human rights, which is dismal, it is hard for us to continue. These are challenging times. Most of the women's organisations in our region, and all the Philippines, are being tagged as supporters or members of terrorist groups and if we are tagged as such we become targets of repression and extrajudicial killings. This is one of the reasons why I cannot show myself on the video. There is no choice for us but to continue to organise ourselves, strengthening our organisation, because it is through collective strength, through unity, that we can move forward as a people.

'Amanda', Philippines, real name withheld for security reasons, speaking at the "Women Radically Transforming a World in Crisis", Dialogue 6 (JASS, 2020).

Networks of organisations worldwide have been working in recent years to increase awareness and defenders' protection, through both individual and collective measures. From direct action to legal strategies and international advocacy, land defenders are using a wide variety of strategies to stop individual projects, expose the impacts of extractive development, and propose alternatives. With their way of life and that of generations to come at stake, they see no alternative but to resist. They are defending natural environments that are vital to the nourishment of the bodies and souls of humanity, and that ensures planetary survival, at grave risk due to climate change, pollution and resources depletion. How we stop these attacks and rethink the economics of extraction will determine the future of us all.

Indigenous and rural women are the courageous promoters of a sustainable way of life for the planet and for their communities. The lands they live on are the last refuges of nature, the lungs of the earth, the reservoirs of water that guarantee physical survival, the reserves of biodiversity that express the wealth and abundance of our world. Traditional knowledge and values of interconnectedness are an essential ingredient for improving an ailing world.

JASS, 2014

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Defiende tu sangre

por Rosa Chávez

porque desemboca en tu corazón
defiende tu cuerpo
porque allí anidan tus palpitaciones
defiende tu espíritu
porque sin este tu corazón se vuelve nada
defiéndete a ti y a los tuyos
a ti porque eres los tuyos
a los tuyos porque son tu corazón
por eso te repito
defiende tu sangre
defiende tu corazón.

Rosa Chávez is a Maya K'iche' Kaqchiquel woman, poet, artist and educator. For her, naming her identity is an important way of recognising her ancestors as well as her present. She has published five poetry books, including *Piedra ab'aj* (Editorial Cultura Guatemala/Editorial Casa de poesía, 2009). Rosa has ventured into theatre, performance, video and sound experimentation. Her work has been widely anthologised and translated into different languages. Rosa focuses her energy and experiences working with women, communities and movements that defend land, bodies and territories.

Defend your blood

by Rosa Chávez

Translation by Manuela Picq

Defend your blood
because it flows into your heart
defend your body
because there nestles your pulse
defend your spirit
because without it, your heart is nothing
defend yourself and your people
yourself because you are your people
your people because they are your heart
thus I repeat
defend your blood
defend your heart.

Waorani elders holding their spears meet outside the constitutional court with a legal representative of the Government of Ecuador, as Waorani youth secure media coverage of the discussion on social media networks. (Location: Quito, Ecuador, February 2020)

PHOTO: MANUELA L. PICQ





Benches and pots from a rangers' camp in Virunga National Park.

SOURCE: ESTHER MARIJNEN

Distinguishing park rangers from environmental defenders

Judith Verweijen,^{a)} Francis Massé,^{b)} Anwasha Dutta^{c)} and Esther Marijnen^{d)}

Abstract

Around the world, many conservation officials and park rangers work courageously and with significant personal risk to protect biodiversity. Despite this, we argue, there are considerable differences between rangers on the one hand and environmental and land defenders on the other, in terms of their occupational role, social embeddedness and position, and the nature of their work. Rangers' occupational role as state officials, or employees of state-mandated organisations, and sometimes as arms-bearing law enforcement agents, sets them apart from environmental defenders. The latter are often Indigenous peoples, community-based organisations and civil society groups, who in many contexts dispute the state, its policies and laws, and particular state officials. Their objects of contestation include laws and policies to protect biodiversity, which people living in and around protected areas may perceive to be at odds with their land and socio-economic rights. Furthermore, rangers' mandated use of force, for instance, to carry out evictions, sits uneasy with the emphasis placed on 'peaceful action' in mainstream definitions of environmental defenders. In addition, rangers are often locally perceived to have a different social position than environmental defenders. Finally, because of the distinct nature of their work and position, rangers and environmental defenders have different protection needs. We therefore suggest conceptualising rangers as a group apart from 'environmental defenders'. This has important policy implications, as it allows for addressing the challenges faced by each group through distinct mechanisms and frameworks. Ultimately, this will enhance the protection of both rangers and environmental and land defenders.

Key words: park rangers; environmental and land defenders; conservation; park-people conflict

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Introduction

In its annual statistical overview of environmental defenders killed, Global Witness (2019; 2020) includes park rangers and certain other types of state officials. Similarly, certain branches of the International Union for Conservation of Nature (IUCN), such as IUCN Netherlands, explicitly consider rangers to be environmental defenders (IUCN, 2021b). Presenting park rangers as environmental defenders chimes with growing global attention to the precarious working conditions and dangers this group faces (Belecky, 2019). It also coincides with increasingly prominent discourses about rangers as ‘heroes on the frontlines’ (IFAW, 2020) and as martyrs who are willing to sacrifice their life in the defence of nature (Kathri, 2020).

Many conservation officials and park rangers work, often tirelessly, to protect landscapes of conservation, and the species, habitats, and ecosystems within them. Moreover, in doing so, many of them run considerable and often lethal risks, being threatened by wildlife, armed poachers, rebels, diseases and accidents. But is it appropriate to label rangers as ‘environmental rangers’? This question is not only important to ask from a conceptual point of view, but also because of its practical and policy implications, as it shapes approaches to protect both rangers and environmental defenders.

There are ongoing debates about the definition, adequacy and usefulness of the terms *environmental (and land) defenders* and *environmental human rights defenders*, which are broad umbrella terms that lump together disparate categories of activists, professionals, movements, community leaders and others (Verweijen et al., 2021). This article contributes to this discussion by focusing on the specific role and status of rangers, which is a growing subject of debate. One indication of this is that in its latest annual report, Global Witness (2020) no longer automatically includes rangers as environmental defenders, but only does so when certain criteria are fulfilled (which we further discuss below).

We contend that ultimately, the nature of rangers’ work and their occupational role in state or state-mandated organisations – as well as their social position and the way they are locally perceived – set them apart from other categories considered ‘environmental defenders’ and create distinct challenges and protection needs. This is not to downplay the work of rangers in protecting biodiversity and ecosystems, or the risks that they face. It’s simply to acknowledge the distinct nature of their work, social roles and status, while taking into account that in certain contexts, there can be very real tensions and conflicts between different groups of people currently labelled as ‘environmental defenders’.

The rest of this article proceeds as follows. We first outline how rangers differ from environmental and land defenders and how these differences shape perceptions of rangers in the areas where they operate. We then explain why it may be productive to distinguish rangers from defenders, specifically how this could help improve the protection of both groups. We conclude by highlighting the need to develop a deeper understanding of the social embedding and local perceptions of both rangers and environmental defenders, and the challenges each group faces.

2. Why rangers differ from environmental and land defenders

In certain contexts, the work of rangers and environmental defenders aligns. Yet, this does not eradicate the considerable differences that exist between the two groups. Here we systematically explain these differences, taking into account that the role, work and status of both defenders and rangers, as well as the relations between them, show great variation around the world.

2.1 Occupational role

Many definitions of defenders highlight that they engage in their activities in “either their personal or professional capacity” (United Nations, 2016, p. 4). Rangers, as employees of conservation agencies with a remunerated professional role, do the latter. While there are important differences in park rangers’ statute and the nature of their work globally, they are commonly part of conservation and law-enforcement bodies within the state, or of private organisations that are mandated and regulated by the state to conduct conservation and law enforcement work.⁵ In addition, in many areas around the world, park rangers are armed and receive law enforcement and sometimes military training to be able to conduct their work. Similar to other law enforcement organisations, ranger bodies are generally hierarchically structured, with rangers being expected to follow orders from their superiors (Warchol & Kapla, 2012; Kuiper et al., 2021).

These features set rangers apart from other professionals who are environmental defenders, such as NGO staff, journalists or lawyers. These professionals are rarely part of state agencies and do not engage in law enforcement. Nor does their profession require them to bear firearms, or undergo military training (although some of them may be trained in security and self-defence techniques). Moreover, these other professionals tend to have higher levels of autonomy in shaping their professional actions. For instance, investigative journalists mostly decide by themselves whether to conduct a risky investigation into efforts by multinationals to cover up pollution and environmental damage. This higher degree of autonomy is reflected in the fact that these professionals are only considered environmental defenders through their actions. Rangers, by contrast, are considered defenders by virtue of their job as rangers.

These differences also bear relation to motivations for doing their respective jobs. Both rangers and defenders engage in their activities out of dedication to defending the environment, nature, ecosystems and biodiversity. However, research has shown that rank-and-file rangers, in particular in low-income countries, join the service also for other reasons, including economic precarity and the absence of other employment avenues (Belecky et al., 2019). This seems rarely the case with environmental defenders. Rangers’ variety of motivations for joining the service nuances the popular romanticisation of rangers protecting wildlife purely out of vocation. Moreover, it partly explains why in some contexts, rangers have been found to facilitate the illegal exploitation of forest and other resources in exchange for bribes (Moreto, Brunson & Braga, 2015; Dutta, 2020), which further calls their blanket categorisation as environmental defenders into question.

2.2 Embeddedness in state structures

Rangers' embeddedness within hierarchically structured state or state-mandated organisations implies their work generally aligns with the interests of at least certain segments of the state apparatus. In some contexts, rangers are strongly endorsed and even celebrated by the state, with many governments hosting World Ranger Day celebrations and creating special awards for rangers. Moreover, people living in or around the areas where rangers work often closely associate them with the state or state-sanctioned organisations, not least as they wear uniforms that symbolically set them apart from the population (Dunn, 2009; Poppe, 2013; Massé et al., 2017). These close ties to 'the state' differ from the position of many environmental and land defenders, who frequently contest the state, its policies and laws, or the unlawful practices of state officials. This is in part because the state often coercively acts against the values and interests of local populations and criminalises them for trying to defend their land and the environment

against state-supported economic and conservation projects.

Illustratively, Global Witness's (2019) Annual Defenders report of 2018 was called *Enemies of the State*.

Some environmental and land defenders specifically challenge the laws that rangers seek to implement and uphold, for instance, as they have a different vision on how nature, their



Tent for rangers in Virunga National Park.

PHOTO: ESTHER MARIJNEN

land and ecosystems should be protected (Carson et al., 2018). To understand why local populations at times contest rangers, it's important to consider the context of conservation and the tensions that have historically characterised it, especially in the Global South. Conservation areas were often created by forcibly displacing local communities and imposing restrictions on land and resource access that continue until present (Neumann, 1998; Brockington & Igoe, 2008; Agrawal & Redford, 2009). Displacement to create, extend and secure protected areas still happens today (Lunstrum, 2015; Witter & Satterfield, 2019). In India, for instance, forest bureaucracy has evicted local populations residing within protected areas throughout history. This first occurred under colonial rule, when forests were primarily utilised for timber production and has continued in the postcolonial period for the conservation of trees and wildlife (Randeria, 2007; Bose et al., 2012). Barred from what they often consider their ancestral land and its natural, cultural and spiritual resources, many displaced communities see conservation as a threat to their ways of life and living with nature (Schmidt-Soltau, 2003; Baker et al., 2012).

'Land' and 'environmental' defenders are generally treated as a singular category. However, depending on the context, there can be important differences in priorities, objectives and motivations between those defending land on the one hand and those striving to protect nature, ecosystems, or the environment on the other. Indeed, conservation projects can

heavily undermine people's land rights by inducing displacement or restricted access to land and resources. Consequently, local populations can come to consider conservation a form of large-scale land grabbing (Fairhead et al., 2012), similar to the agro-industrial and mining projects that defenders often contest (Prause & Le Billon, 2021). This is especially true where protected areas work closely with private sector actors, such as mining companies, that Indigenous and other communities are resisting to protect their socio-economic and environmental rights (Le Billon, 2021). In the Selous Reserve in Tanzania, for example, rangers are supported and trained by and even work alongside mining companies and their private security personnel (Holterman, 2020).

2.3 Use of force

It's generally within rangers' professional mandate to enforce access restrictions and other conservation laws that may be locally contested. Depending on the type of protected area, this entails apprehending people who entered the area to cultivate, gather firewood and twigs, log trees, hunt bushmeat, gather caterpillars, mushrooms and medicinal plants, and conduct spiritual ceremonies. Rangers also carry out evictions, regardless of whether they personally agree with these policies or not. Some of these law enforcement tasks entail the intended or inadvertent use of force against people and property, such as burning down people's huts, and confiscating or destroying their harvest, agricultural fields and tools, and fishing nets (Carlson et al., 2015; Warren & Baker, 2019; Verweijen, 2020). For instance, violent eviction drives in India involve rangers razing makeshift homes of forest dwellers and Indigenous communities using elephants, often with little to no prior notice (Dutta, 2018). Park rangers may also beat suspected offenders when apprehending them or shoot at them when they try to flee, which is standard practice where shoot-on-sight policies are in place (Neumann, 2004; Mabele, 2017; Mogomotsi & Madigele, 2017). The use of force is particularly frequent in contexts of armed conflict and/or where poachers are armed, especially when rangers conduct anti-poaching or other operations in collaboration with national armed forces. The training of rangers operating in these violent settings increasingly emphasises arms handling, combat tactics and fitness, and is often provided by private security contractors and (former) commandos or special operations personnel (Humphreys & Smith, 2014; Annecke & Masubelele, 2016; Verweijen & Marijnen, 2018; Duffy et al., 2019).

Rangers' professional use of force sits uneasy with most definitions of environmental defenders, particularly since it sometimes involves human rights violations (Neumann, 2004; Warren & Baker, 2019; Vidal, 2020). These definitions maintain that only people using non-violent means can qualify as environmental defenders, while emphasising that this group also defends human rights. For instance, UN Environment describes defenders as "individuals and groups who (...) in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna" (UNEP, 2018; emphasis added). Global Witness (2020, p. 40, emphasis added) describes defenders as "people who take a stand and carry out peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment". While neither of these organisations explain what they in fact mean by

‘peaceful’, rendering this an arbitrary criterion, we believe that certain actions of armed rangers that entail the use of force, even where an integral part of their job, do not qualify as such.

2.4 Social position

Rangers’ professional mandate to enforce laws and their close association with the state puts them in a social position that differs from that of people living adjacent to or in conservation areas. This is even the case where they belong to the same communities and ethnic or Indigenous groups as local populations. The position of such locally recruited rangers is inherently ambiguous, in particular when they serve at lower levels of the forest or conservation service hierarchy (Poppe, 2012; Dutta, 2020). As stated by Vasan (2002, p. 4126), these rangers navigate “in a twilight zone, torn between the demands of the state for which they work, and those of the society in which they live and socialise” as community members. This ambivalence comes starkly to the fore when rangers have to prove their loyalty to the state by arresting their own kin (Dutta, 2020). Such arrests and other law enforcement practices underscore the highly unequal power relations between rangers and communities, especially where rangers are armed. These inequalities tend to be even more pronounced where rangers are heavily sponsored by international donors, who sometimes contribute to their salary and pay for their training, equipment, uniforms, health insurance and means of transport. Foreign support creates further social distance between rangers and local populations, making the first appear all-powerful and wealthy compared to the latter (Marijnen, 2017; Massé et al., 2017; Verweijen et al., 2020).

In many contexts, rangers’ professional role and social position cause them to be seen as decidedly distinct from those considered environmental defenders, in particular community and Indigenous leaders, grassroots movements, community-based and civil society organisations, and other local activists. Indeed, rangers’ actions are often associated with the wider socio-political structures they are embedded in (Poppe, 2013; Marijnen, 2018), which differ substantially from the socio-political base of community leaders and members of civil society. These diverging perceptions should make us cautious to conceptualise rangers as environmental defenders. Moreover, ignoring local people’s perceptions of who qualifies as a defender and who does not could lead the concept of defenders to become perceived as externally imposed by western-based organisations, (Verweijen et al., 2021).

Research shows that how rangers are perceived by the people living in and around conservation areas is highly context dependent. In some areas, rangers are seen in positive terms, for instance, as they enhance people’s physical security by protecting them against armed kidnappers and poachers (Kelly & Gupta, 2016). In other contexts, by contrast, perceptions of rangers are more negative due to long-standing tensions (Moreto, 2015; Moreto, Brunson & Braga, 2017). Where Indigenous and other local groups contest a loss of environmental and socio-economic rights as a result of conservation, rangers might even be seen as ‘enemies’ (Verweijen et al., 2020).

In sum, while rangers work to protect biodiversity, often at great personal risk, the nature of their work and their professional role and social position differ from environmental defenders. Moreover, in many contexts, the defence of biodiversity and protected areas does not align with the defence of local and Indigenous land, resources, and human rights. Global Witness has recently acknowledged these tensions by changing their position on the inclusion of rangers and other government officials in their annual statistics of environmental defenders killed. Their most recent annual report states that: “We do not include in our data cases of individuals linked to violence against Indigenous or local communities in their efforts to protect natural reserves. We do, however, include cases of government officials and park rangers who have been specifically threatened or targeted while trying to protect forestland and biodiversity, where there is no known conflict with Indigenous or local communities” (Global Witness, 2020, p. 41). This change in language reflects growing awareness of the issues we have outlined above. It remains unclear, however, how Global Witness verifies whether there are conflicts or not and how it defines ‘conflict’.

3. Why distinguishing rangers and environmental defenders is useful

Lumping together professionals mandated or employed by the state with environmental defenders who seek to represent and protect the rights of local populations risks undermining the work of each group. There are separate policy and organisational frameworks designed specifically to protect park rangers and improve their working conditions and safety. Given their distinct needs and challenges, it is unclear how including rangers in the category of ‘environmental defenders’ benefits their protection or work. At the same time, community-based, Indigenous and civil society groups might be better protected if their unique social position and status are taken into consideration.

The work of rangers is – and rightly so – separately acknowledged and valued. Similar to environmental defenders, rangers have their own awards,⁶ such as the IUCN International Ranger Award to “highlight and felicitate the extraordinary work that rangers do in protected and conserved areas worldwide” (IUCN, 2021a). A commonality throughout these awards is the recognition of rangers as a professional occupation within conservation and the need to support them for their work within that professional mandate. For example, the IUCN International Ranger Award defines a ranger as any “mandated person working at the site-level as a custodian of species, habitats, ecosystems, and cultural heritage” (Ibid.; emphasis added). The importance of approaching rangers as a professional category, including as agents of law enforcement, is central to much research and policy work on how to support rangers. This work highlights how rangers often operate in an environment of low benefit and high personal safety risk (Moreto, 2015; Belecky et al., 2019; Belecky et al., 2021) and how this influences job satisfaction and motivation (Ogunjinmi et al., 2008). In this respect, a recent study “paints a disturbing picture of the current state of ranger employment” (Belecky et al., 2021, p. 185; see also Belecky et al., 2019). To understand and improve rangers’ work, research also foregrounds

the role of occupational culture, or “shared norms, values, beliefs and priorities” with regard to the ranger profession and how this influences rangers’ behaviour, performance and conduct (Kuiper et al., 2021, p. 149; see also Moreto, 2013).

There are separate policy frameworks and initiatives to support rangers and improve their work and service conditions, such as the Chitwan Declaration adopted at the International Ranger Federation’s 2019 World Congress in Chitwan, Nepal. In response to the Declaration’s adoption, a group of international conservation organisations started the Universal Ranger Support Alliance (URSA) to facilitate its implementation. The Declaration constitutes a type of “new deal” for park rangers and includes Global Welfare Standards and a Code of Conduct. Its first Article focuses on “ranger welfare” “both on and off duty”, including the equipment, training and support rangers need to do their job as safely as possible. Article 1 (ii) lists the need for employers to provide life insurance, while Article 1 (iii) stresses the need for rangers to be supported in balancing work and home life. Current advocacy efforts further emphasise that the International Labour Organisation (ILO) has an important role to play in developing frameworks and international standards for rangers, thus recommending ratifying the Labour Inspection Convention 1949 and other relevant ILO conventions with regards to ranger welfare (Belecky et al., 2021).

Compared to rangers, environmental defenders operate in very different circumstances and face distinct challenges. Therefore, ways to support and protect them differ considerably. This is clearly reflected in the 2018 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú Agreement. Article 9 of the agreement, which is dedicated to protecting environmental defenders, highlights that protecting and promoting the rights of defenders entails protecting “their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights” (UN, 2018). This wording shows that frameworks to protect environmental and land defenders generally emphasise their status as human rights defenders and states’ obligations to protect this category and uphold civil rights.

However, contrary to rangers, defenders rarely rely directly on the state to offer them protection, especially when challenging state authorities for acts of environmental harm, corruption or neglect. Furthermore, state security agencies often lack the resources to protect environmental defenders, which is generally not among their priorities. Defenders may also face repression and intimidation from the state, in particular where they are associated with political opposition and seen as a threat to the established order (Butt et al., 2019; Middeldorp & Le Billon, 2019). In some contexts, police and other security services harass defenders through stop-and-search actions, confiscating property and permanent surveillance, or engage in direct physical violence such as beatings (Brock & Dunlap, 2018).

Another difference between the protection needs of rangers and defenders is that defenders are more at risk of criminalisation than rangers. In many contexts, defenders are prosecuted on trumped up charges, or face other forms of repression through legal

means, such as restraining orders (Rasch, 2017; Brock & Dunlap, 2018). Such “lawfare” often involves invoking anti-terror legislation, with defenders labelled “extremists”, “terrorists” or “insurgents” (Balfour, 2004; Brock, 2020). To protect themselves against these threats, defenders need specific forms of assistance, such as legal aid, visits in prison to check on their condition, and support from citizens and civil society movements in the areas where they operate. They may also benefit from international pressure on governments to liberate those who are unjustly detained and to reform legislation used for repression. Defenders are also more exposed to “insidious forms of repression” than rangers. Such repression involves anonymous perpetrators, such as private security contractors, criminal entrepreneurs or current or former security personnel acting “unofficially” (Dunlap, 2019; Middeldorp & Le Billon, 2019). While rangers can be rotated to protected areas far away from where they receive such threats, defenders, on the other hand, might need to flee and go into hiding.

A final difference between rangers and defenders is the different intersections of violence to which they are exposed. Research on defenders shows that those running the highest lethal risk are generally from Indigenous and other marginalised groups (Le Billon & Lujala, 2020; Scheidel et al., 2020). Physical violence against such groups tends to intersect with forms of structural and slow violence, including historical marginalisation, profound socio-economic inequalities, and the destruction of lifeworlds and livelihoods (Butt et al., 2019). Protecting these groups therefore requires broader strategies focusing on their general position in society. While rangers can also be from marginalised groups and face various forms of structural violence, the most effective way to improve their protection, as highlighted above, is focusing on their professional status and work and service conditions.

Conclusion

Placing environmental defenders and park rangers in the same category can be detrimental to the interests of both groups. The frameworks for supporting defenders and rangers were designed to reflect the distinct occupational, social, and political needs and challenges of each respective group, and the contexts within which they operate. Moreover, it is important to acknowledge that while their work sometimes aligns, in numerous cases, the two groups stand opposed to each other, not only in respect of incompatible immediate objectives, but through their embedding in wider socio-political structures that are historically in contradiction. Environmental defenders often challenge the state or specific state representatives for their environmental and socio-economically destructive policies and practices, while park rangers are representatives of or mandated by that very same state.

These differences are apparent to people living in and around protected areas, who see rangers in different terms than Indigenous and community leaders, civil society organisations and social movements. It is imperative to take these divergent perceptions into account in discussions around who is and who is not an environmental defender. To avoid that the concept of defenders becomes seen as externally imposed, it’s necessary

to look beyond definitions put forward by international organisations and national governments, which may depart from local realities and perceptions. Developing a better grasp on local experiences, perceptions and dynamics is also crucial for improving the protection of both rangers and defenders. To understand the challenges they face, it's important to grasp rangers' social position and their everyday interactions with local populations (Moreto, Brunson & Braga 2017; Massé et al., 2017; Woodside et al., 2021). The same applies to environmental defenders: we can only address their needs by understanding their position in the local and broader social networks in which they are embedded (Butt et al., 2019). Ultimately, this fine-grained attention to local dynamics and perceptions is key not only to enhancing the safety and work of both rangers and defenders, but also to improving conservation and social justice outcomes.

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Women building power: activist stories testimonies

by **WoMin African Alliance**



Introduction

The COVID-19 pandemic has presented new layers of strain to the pre-existing burdens faced by women in communities across South Africa (and the continent). Even though the virus knows no boundaries affecting both women and men- women are more at risk because of the role they play in their families and communities. Their livelihoods have been adversely impacted by the lockdown regulations. The situation in local communities is desperate. Women are fighting to protect their lives, dignity, integrity, and tend to their immediate needs to survive. They have been doing so by organising through various ways such as providing food parcels, hand sanitisers, baby clothes and blankets to support vulnerable community members.

Women in the communities have shared their stories through WhatsApp messages, voice notes, SMS and phone calls. These submissions have been compiled and edited by WoMin African Alliance (Caroline Ntaopane, Lorraine Kakaza and Connie Nagiah) as part of a wider project to amplify the voices of women as they find ways to navigate the complex context. These stories aim to bring to the fore the absence of women's voices and struggles in mainstream coverage, put pressure on national and local government to respond and act timeously to some of the requests by communities and most importantly provide a platform for women to actively engage and speak in their own voices about their struggles.

The article, "A Cry for Water – Women across South Africa demand their right to water & life" by Caroline Ntaopane, synthesises the concerns women are expressing.

The following are some of the women's personal accounts that have been collected thus far:⁷

Khethiwe Ngwenya

Sisonke Environmental Justice Network, Newcastle – KZN

Nomadien is a small village situated in Newcastle, the women are struggling in terms of getting access to healthcare. There is no clinic nearby, women must walk long distances to access healthcare services. The transport restriction has made the situation even worse than before. We are all worried about our loved ones, we know this can change our lives and others. Many people have lost their jobs, already in our area there are many young people who are unemployed and have no income at all. With the promise of government to provide us with unemployment security funds, this is not enough and I believe this is not improving the existing conditions of our youth who belong in school, skills development institutions and deserve to be working. These short – term solutions are going to leave permanent damage for most of our youth.

I am also disappointed with our President who was quick to donate soldiers but forgetting the real living conditions and how we live in these communities. Families are facing lots of debt, people are borrowing monies from the loan shark (Mashonisa). Even the loan shark because of the lockdown & people not working, they are refusing to lend people money.

We are worried about our clinic, some old people cannot go to the clinic for their treatment. This clinic is far, many community members have defaulted on taking their chronic medication. It is sad to watch our country fall apart. We see a lot of death and to see other women struggling to feed their kids especially those women whose salary depends on selling fruit & vegetables and those who run small kitchens. It's very difficult and others depend on the grant money which comes once a month. The women who used to sell fruits and vegetables are mostly affected, I am a single mother with 4 children, every day after selling I would have money to buy maize meal, a braai pack and bread to eat with my children.

Now, I am depressed because I have no income and I don't have food. Government is turning a blind eye on us. The food parcel list goes to friends and families of those who have positions and are members of a political party. We need to find ways of helping each other because we see many people are starving. People will die of poverty and hunger – that's the virus. We want to help but we can't reach everyone. Government has failed us as nation, being told to stay at home doesn't provide food, water, electricity and medication. I feel like there was a lot that could have been done. Instead of bringing the army in the street we should use the resources to provide food.

We are also living in a mining affected area. The mining company that we have been fighting with for many years have violated communities' human rights. Even under this lockdown they still find a way to continue destroying people's livelihoods.

Key Issues

- Access to healthcare for women
 - Unemployment-women & youth especially
 - Mining companies-evicting families off land
 - Hunger & poverty
 - Access to information on COVID-19
 - Mining-toxic air pollution & its impacts
-

Ikwezi is planning to relocate the Mkhwanazi family. The house that the mine wants the family to move to is not yet in good condition. The Mkhwanazi family have requested to be not be moved until the lockdown is over but the mining companies have only given them a few days to evacuate their house. The family still want to remove some of the old materials but the mining company told them to leave everything because they don't own the property now. The houses that Ikwezi built in 2018 are now in a bad condition and houses are already cracking.

We see that the pandemic is spreading and others are facing many consequences. For Ikwezi, it's business as usual, putting the lives of the people at risk and putting profit before people. Ikwezi mine continues to harass and violate human rights. Families pleaded with the company to not relocate them to the new house before they see a title deed, and until the mine keeps all the promises they made, including building a kraal for their livestock. Culturally the families have graves on the old premises, they are also requesting the company to not move them until they have conducted all the rituals for their ancestors.

Thenjiwe Mavuso

Khuthala Environmental Care Group- Ermelo, Mpumalanga

We have heard the call to stay at home. I don't know what measures I need to take to protect myself, I am asking myself what precautions I should be taking to protect my family and friends. Since I don't know much about the Coronavirus, there are so

many myths and opinions about it. I am worried about the healthcare systems that we have, the lives of those who need this service mostly are at danger. The virus is killing many people and posing a significant threat to our lives.

How can we survive while we live in poor conditions? The environment we live in is not conducive- we are surrounded by many coal fired power stations and lot on rehabilitated mines. I am not a smoker and under this lockdown government has banned smoking for the purpose of saving lives. We have been affected by long term air pollution, we heard from scientists that it is like smoking a full pack of cigarettes a day which damages our lungs and causes respiratory illness for both children and adults.

Injustice has been inflicted on our communities for many years, long before corona virus. We are living on a dusty road with no waste management and sewage spillage everywhere. If companies can also clean the toxic chemicals that pollutes our air and clean the outside environment, we can be able to breathe. Our kids are already suffering, old people already have illness due to pollution, Mpumalanga is known as the world's dirtiest air. It has been declared a pollution hotspot area, we are lucky that the area is not yet a Coronavirus hotspot area.

Key Issues

- Access to information on COVID-19
 - Mining-toxic air pollution & it's impacts
-

Yvonne Sampear

Phola- Greater Phola/Ogies Women's Forum- Mpumalanga

I was scared and frustrated wondering what tomorrow will look like. We thought the world was coming to an end. This is a sign that we must take care of our nature. Nature doesn't need people, but people need nature to survive. All in this crisis may not agree, but it has been created by the capitalist system which forced its way into pushing a rapid economic growth but forget that we are people and we depend

on nature. We need to live in harmony with the ecosystem. Government should learn from this crisis and move to putting in measures to curb the spread of the virus but also to start dealing with another crisis that may arise because of climate crisis beyond this pandemic.

The consumption that has been fuelled by capitalism is the one that has led us into this crisis. I was frustrated about the economy of South Africa because it's already in a mess. Children are missing out on schoolwork because not all parents have smartphones to help their kids with school and data is also expensive. It's on a women's life because most of the women are informal traders, they can't sell now because of the lockdown. For some people it's hard to even get to town to buy food because we are scared, and of others in the taxis. In the township the price of food is becoming expensive.

Yes, we as women must strengthen our educational workshop through social media and WhatsApp groups. We encourage each other to be hygiene friendly to wash your hands every time and comfort our kids and families that fear these pandemic viruses. That it shall all pass when we work together as a nation. People are facing hunger and poverty- especially hawkers, domestic workers, street vendors and entrepreneurs. I feel like the testing is also moving really slow, Phola is not big but now only few people have been tested.

Nontozakhe Zaba

Vaal Environmental Justice Alliance

In our household there are 5 adults and 2 children. None of us are working, the only income in the house is from our mother's old age grant for buying groceries and electricity. Now its winter and we are

consuming a lot of energy for cooking and heating because it's cold. Buying electricity has become very expensive. In the beginning of the month we buy electricity for an amount of ZAR 600 and get 354 Kwh. It doesn't last us for the whole month, after 2 weeks we bought for an amount of ZAR 250 and we got 100 Kwh which lasted for a week. We bought again for ZAR 100 which can last us until the end of the month. We can't afford to buy in bulk, sometimes we borrow money to be able to buy.

Key Issues

- Protecting nature & the planet
 - Capitalist economic model is destructive- informal sector affected, livelihoods lost
 - Data costs- school kids learning
 - Women mobilising & educating through technology
-

Key Issues

- Energy Justice for all
-

Our neighbours are using coal and other sources to be able to save for lighting and warm water. They use wood, coal, gas and paraffin which are very dirty. Also, these sources of energy emit harmful emissions which can cause respiratory illness. The air we breathe in Zamdela is already dirty because we have a big company called Sasol Petrochemical Industry which is polluting the air. Many people in the area already suffering from asthma, tuberculosis and respiratory illness due to pollution. But people are further using these harmful alternatives because there is nothing they can.

If COVID-19 is a respiratory illness, already the environment we are living in is not conducive to a clean and healthy environment. All these companies have never stopped operating because we are in need energy but at what cost and who is benefiting? Because we as poor people at the moment, when we need energy more to save our lives we can't afford it. Some days are dark for many households- where is this money that we are paying going if we buy so much, how are this Kwh are being calculated? We don't understand the science behind this. The paraffin price has already gone up and we have also been facing tariff hikes on electricity, we hear that the price may increase again in August. Old people don't understand all of this.

Women are bearing the brunt of lack of access to electricity and subsidising the cost with their health and the health of their children. If the price is increased how are we going to afford it? We think government must really start thinking about cleaner, safer and affordable alternatives that people will benefit from because electricity is very costly.

The energy system need to be decentralised, there must be a way to provide sustainable energy for communities. People must have ownership power through creating renewable energy. The current system is only benefitting the rich. Communities must be empowered to decide the kind on energy system of their choice. We need to end energy injustice.

Thenjiwe Mavuso

Khuthala Environmental Care Workers Group, Mpumalanga

Imbabala Mine is an underground coal mine which closed for over 10 years, it was left rehabilitated posing a lot of danger to surrounding communities. Since then young men in the communities used it for generating income because of being unemployed, through illegal mining activities which has taken a number of lives. They have been digging coal and selling in the communities. This has been very dangerous because as they were digging, they were also breaking the supporting pillar which led into rocks falling and claiming lives. Also a number of women have been going there to collect coal for cooking and heating.

Khuthala Environmental Care Group had a number of meetings with the Department of Mineral Resource and Energy (DMRE) discussing proper rehabilitation of the area so that it can be used for houses and agricultural purposes. Repeatedly communities and people who have lost family members and those whose houses cracked during the operation engaged with DMRE about the high risks and dangers that they are facing daily because of the mine. DMRE promised urgent action to rehabilitate but nothing is happening so far.

Now to our surprise there is a new mining company claiming to be holding a prospecting right which they obtained since 2017. The name of the new company is called Amatala Mining Service. We are confused by DRME lies because we are trying to rehabilitate and on the other side, they are giving prospecting rights to further destructions considering that Imbabala is situated right to an informal settlement called Nomzamo. The negative impact of that will further be caused if the mine opens again are few, there is already an existing mine that is causing houses to crack. When Mbabala was still operational there were also houses that were cracked, and it left without compensating owners.

Nomzamo has about 600 households, Steve Biko about 500 and Inkanyezi has 800 households. Now they want to start prospecting and if the mines commence it will impact 2,000 households because they will need to relocate to another place. This will also add negatively to climate change, air and water pollution. Already some of the mine are struggling for water and communities. We are also concerned about water contamination because this mine is also situated next to the stream that is used by communities for water access. There is also a school close to the areas, the school cracked already because of the previous mining activities.

This is our immediate concern that mining companies should not use this lockdown and prevent people to not to participate in decisions affecting their lives. The mining companies are benefiting, not us. As we speak many workers have been retrenched increasing the high rate of unemployment- now who's going to benefit? The place is also a protected area, it was not even meant to be mined in the first place.

Medical Ndziba

Mama Medical is a single mother staying with her two children and three orphans in Emachibini which falls under the Mtubatuba municipality in the uMkhanyakude District, Kwazulu-Natal.

Somkhele, Mcejo Imfolozi Community Environmental Justice Network-KZN

Since the beginning of the lockdown in our area we heard about the distribution of food parcels by the municipality but we have not received it. As much as we are struggling to get access to water, we are also suffering because of hunger. The last time, we were supported by WoMin to distribute food and supported us with dignity packs which helped lot of women in our community.

The lockdown is very hard on our lives, we can't even adjust as we are not getting any money. Our area is surrounded by Tendele Coal Mine which does not employ women. Several years, we have been running our own business, we didn't want to depend on government for money. Our business is focusing on doing bead work and we sell locally and at the local tourist area. Now our business is dysfunctional because of the lockdown. We have to wait until month end for social grants. Life has changed from bad to worse. I have a daughter who is studying at college, even now I still must keep her rental place and pay every month. My daughter is starting to lose hope, she sees the struggle that I am facing trying to put food on the table. She now worried about how I am going to

be able to pay her school fees even after the lockdown. Our savings are running dry now since we can't make extra money.

We have no one else to support us as family, my health has been affected by this stressful situation on how to you adapt and adjust from all this. Even other women are just hoping that one day this will be over, and we will go back to business as usual. We hear about corruption a lot on the news about our province. Politicians don't have mercy, even during these trying times they can't resist the habit of stealing from the poor. I thought they will show some kind of respect and empathy knowing that people have lost their jobs and people like us are not earning an income.

I can't sleep at night, corruption has led us into a difficult situation, my daughter hopes to finish school and change our living conditions. I am worried about the future and what it holds for us. We want to have hope that things will change for the better and we will live well. But in our area there is no one you can even talk to. Sometimes people just sleep and pray that they wake up to see another day even if it's difficult. For the worst part we feel that we are being neglected by those who in power. Our village is not that small to suffer for basic needs, but the struggle is real.

Zamaphi Ndimande

MCEJO-Fuleni – KwaZulu-Natal

The water situation continues to be under pressure in many communities. The community of Ocilwani – Fuleni in KZN still don't easily access to water. We get water from iMfolozi River and other people get water from the area called Mail. The villages that are affected with water shortages are Emachibini, Dukemini, Emakhasini and the other new settlement around the area.

Our issue of water has been a long issue, our area was hit by drought and all because of changes of the climate. It is not a new issue with the public and government officials that women have been walking long distances to get water. There is a tank that was installed by government, if the tank runs out of water many women and young girls must find other alternatives, or go to the river. People walk more than four hectares. In our area it is very difficult to maintain gardening and growing your own food. We are blessed with beautiful land which can be used for agricultural projects and benefit people with employment because we know how to work on the soil and produce good food.

Our area was identified as having large deposits of coal, many companies come and proposed to mine but we as the people of Fuleni were united. We are opposed to the construction of destructive mining activities. We are neighbours with Somkhele where there is Tendele Coal Mine. We see dust blowing from our area and we are learning that nothing good is coming out of mining activities. We are wondering if the municipality is failing to provide communities with adequate water, where were the mining companies going to get their water from?

We as women in Fuleni want to start our own business such as agro-ecology food gardening, poultry farming and any other businesses that will help earn and improve our living conditions. We don't want to wait on government, we want to drive our own

economy. There are so many youths in our village that aren't working, we can come up with lots of creative ideas. Not having access is a big challenge, most of our ideas need water. The demands of the community need access to water as water is life.

Khethile Ngwenya

Sisonke Environmental Justice Network, Newcastle, KZN

Ikhwezi Mine is an Australian mining company exploiting for coal in KZN, Limpopo and Mpumalanga. The name of Ikhwezi means morning star, or rising star, but the only thing the company managed to bring into communities are dark clouds and a cursed operation.

Ikhwezi is doing open cast mining at Kliprant farm in a rural area near Danhauser in northern KwaZulu-Natal. Many years ago, people came to live and work in the farms doing agriculture. The mine has tapped into 12,000 hectares of land. Since the beginning of the mine people lost many things they have worked so hard for.

- Loss of their land
- The main source of livelihoods such as farming and grazing land for cattle-some people's livestock died
- The company exhumed graves and called the Red Ants and bulldozed homes. People didn't have a place to sleep for many nights
- Blasting without notification
- Causing conflict and dividing communities
- Forcing communities to sign deals without proper reading

Amongst the houses that were bulldozed is a house that was built in 1965. The houses of the Radebe, Ngwenya, Dlodlo and Hlatswayo families were destroyed. The Department of Mineral Resources and Energy announced that the mine will start operating in 2012. Community members saw cars from Ikhwezi mine prospecting without public participation and the people concerned. There was no meeting held between communities and the mine. In 2017, the company came with the Red Ants to remove people, our furniture, clothes and all our belongings were thrown outside without a place to go. We were trying to engage with them peacefully but they didn't want to hear anything from us.

A place we used to call home is now surrounded by mine dumps, covered by grass, on the road you only see mine trucks carrying coal and blasting. The mine betrayed the community of Klipard Farm the place they used to call, home. They have then built a small shack and used TLB to remove and our furniture in stayed in the dark, kids were traumatised they didn't even go to school. We didn't get a chance to negotiate and park our belongings, some of the furniture was even broken. We call on legal support, in December 2018, the case was postponed but the mine promised a compensation of ZAR 10,000. In December 2018, the court case was postponed as the mine promised to compensate us with ZAR 10,000.00. In 2017 the mine said it was the communities who voluntarily relocated, that no one was forced.

We tried ways to fight the company, we organised protests, picketing and marches. But Ikhwezi started opening cases against communities and arrested communities. We tried to make efforts with the mine to meet with the community but they refused. DMRE as well tried to call a meeting between the two parties. There was a local meeting which

was held, we spoke to Ngcobile Khanya who was the regional manager at DMRE to complain about the negative impact of mining. Until today we never got a response and we don't know what conditions the company is operating under.

The Director General of DMRE refused to talk us. Minister Gwede came to our area for the mining indaba and we gave him our memorandum, that's why the mine stopped. In 2018 the mining company resumed its operation again with community concerned by this. Our main issues that we raised was that the mining company did not follow proper participation, they didn't even have a water use license and didn't comply with the Mineral Petroleum Development Act (MPRDA).

We worked with lawyers to stop mining companies from relocating communities and exhuming graves but we lost the case. At this stage we wrote a letter using the Promotion of Access to Information Act as we want all documents showing that Ikhwezi is complying with standards and mining rights which were renewed because communities were not consulted. We hope we will access the information so that we can analyse and review.

How did the mine start operating without a full investigation about its impact on communities? The mine is taking tons and tons of coal every day on our land. Our livestock has no place, some of them fell into the mining pits and died. Nothing good is coming from the mine, there's no respect for human rights only care about profit. At this stage communities are still resisting the mining operations as we don't yield any benefit. We are pushing the right to say no, we are saying no to environmental destruction, land grabbing and silencing us. We are saying yes to support our livelihoods, respecting our culture and heritage, a clean and healthy environment, and respecting women's rights. The company has destroyed our values and beliefs.

On 15 July 2020 Mama Hadebe had to pick up the pieces leaving her house that she had worked hard with her husband to build being destroyed by the money. "We were forced to leave, we thought we asked to stay until the lockdown is over but the mine said our house which they built for us is ready. The dilemma is that the house has 3 rooms, it's smaller than our previous house. We are a family of 15 and we are being packed in that house. The house is not fenced, we can't complain because the mine says they gave us flushing toilets which we never had, that they done us a great favour. I have lost my dignity, the mine moved us forcefully without consultation."

Njabulo Hadebe also shared his insights on how "the mine has betrayed the place we used to call home. I celebrated my graduation on the street, I still remember very well those bulldozers demolishing our house. I know that my parent strived to build and provide warmth. When you build a big house in the rural area it gives ego, pride and is a real success of hard work, now the mine has created a lot of conflict within us in the community."



The urgency of addressing gender-based violence against women environmental human rights defenders

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Abstract

Violence against environmental human rights defenders (EHRDs) is on the rise, reflecting the expansion of large-scale infrastructure projects and extractive industries, such as mining, logging and industrial agriculture. Men and women defenders experience violence differently due to existing power imbalances and discriminatory norms based on gender. While most of the victims of killings in the past decade were men, women environmental human rights defenders (WEHRDs) are at higher risk of gender-based violence (GBV), including threats and/or acts of rape, kidnapping, torture, intimidation, criminalisation and misogyny. These forms of violence often intersect with larger, more complex socioeconomic, cultural and political circumstances unique to each local context. These circumstances in turn need to influence the design of policies intended for EHRDs' protection, as well as other efforts to promote their work. Violence against EHRDs and violation of their rights hinder progress toward meeting the Sustainable Development Goals (SDGs) and threatens the preservation of biodiversity. This article explores the gender-differentiated forms of violence faced by EHRDs and highlights the need for addressing the situation of defenders from a gendered perspective. It discusses the roles of state and non-state actors in the perpetration of violence, alongside their duty to protect EHRDs' rights, as mandated by various international agreements and guiding principles. It also details the work of civil society organisations in reporting gender-differentiated violence and in protecting EHRDs' rights, and concludes with a set of recommendations for more gender-responsive action.

Key words: women environmental human rights defenders (WEHRDs), environmental human rights defenders (EHRDs), gender-based violence (GBV), Indigenous peoples, Indigenous women, extractive industries

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1. Introduction

[H]istoric and recurring patterns of explicitly gender-based discrimination and bias, which includes gender-based violence, as well as escalating violence against women environmental defenders, continue to demand special attention and corrective action. [IUCN Gender Equality and Women's Empowerment policy (IUCN, 2018)]

Over the last decade, the rise in violence against human rights defenders (HRDs) and the serious impacts on the health, well-being and livelihoods of entire communities has received growing attention from the international community. According to Front Line Defenders, 304 HRDs were killed in 2019, a nearly 50% increase from the last reporting in 2017 (Front Line Defenders, 2020). Forty percent of the HRDs murdered in 2019 were defending land, environmental, and/or Indigenous peoples' rights, which means that those defending their environment or natural resources – referred to as environmental human rights defenders (EHRDs) – continue to be among those most at risk of violence (Ibid.).

Increased competition for natural resources, due to the expansion of large-scale infrastructure development and extractive industries, is exacerbating conflict between transnational corporations and local communities, fuelling violence in particular against EHRDs, who actively take a stand against illegal extraction, degradation of natural resources and extractive industries (Penchaszadeh, 2013; Knox, 2017; Front Line Defenders, 2016a; Le Billon & Lujala, 2020). Powerful economic interests and political influence, along with the absence of binding regulatory frameworks at the international level, have hindered the protection of EHRDs as well as the prosecution of crimes and human rights violations against them (Global Witness, 2018; Watts, 2018; Front Line Defenders, 2020).

Protecting EHRDs is essential for the protection of the environment and human rights. EHRDs – many of whom are Indigenous peoples with exceptional traditional ecological knowledge and a unique and strong dependency on natural resources – fight for a more sustainable, prosperous and equitable future; one in which harm to the environment is prevented and more sustainable alternatives to development are promoted (Front Line Defenders, 2016a; ILO, 2017).

Women and men defenders experience violence differently, with women human rights defenders (WHRDs) at a higher risk of violence, including gender-based violence (GBV) in the form of threats and/or acts of rape, kidnapping, torture, intimidation, criminalisation and misogyny (Barcia, 2017; Front Line Defenders, 2020). GBV arises from existing normative, discriminatory and exploitative gender inequalities, and is intimately related to how individuals and communities access, use, control and benefit from natural resources (Castañeda et al., 2020). When there is increased pressure on the environment or competition over scarce resources, GBV becomes amplified and is employed as a means to reinforce sociocultural expectations that perpetuate gender inequality. This includes

violently discouraging or halting women from defending their resources, territories and communities (Ibid.).

The Asian Forum for Human Rights and Development found that WHRDs working to defend land and environmental rights in Asia were the most targeted group for threats and harassment, with 28% of cases involving women defending natural resources or land rights (Forum-Asia, 2019). Despite these statistics, scarce attention to gender-differentiated forms of violence has led to underreporting and under-documentation of the specific threats women environmental human rights defenders (WEHRDs) face and, accordingly, a lack of strategies and investments to adequately address them.

Civil society organisations are collaboratively tackling these challenges and play a key role in raising awareness, establishing mechanisms for documenting and reporting gender-differentiated human rights violations and establishing mechanisms of protection. Gender-responsive policies and development projects that take into account the interests, concerns and needs of women and men EHRDs are essential for bringing an end to transnational corporations and governments' appropriation and exploitation of defenders' land and natural resources (Castañeda et al., 2020). Through more rigorous and gender-responsive legal protection at the national and international level, the vicious feedback loop created and perpetuated by the profit-driven extractive model, in which widespread corruption, weak institutions and systemic poverty reinforce one another, may finally be broken and a more sustainable future can prevail.

2. Patterns of violence against women environmental human rights defenders

Violence and human rights violations are used to preserve a particular social order, in which those in power use violence to maintain control over resources, intimidate and silence defenders, and prevent others from coming forward (López & Bradley, 2017; Penchaszadeh, 2013; Global Witness, 2018; Barcia, 2017). According to the United Nations Human Rights Council (UNHRC), violations against EHRDs include, “killings,

violent acts, including gender-based violence, threats, harassment, intimidation, smear campaigns, criminalisation, judicial harassment, forced eviction and displacement” (UNHRC, 2019a, p. 3).

Women and men defenders experience differentiated violence. The UNHRC emphasised that “women defenders are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts... ranging from verbal abuse based on their sex to sexual abuse and rape” (UNHRC, 2010). As Global Witness reported, while only 10% of murdered victims were

Gender-based violence (GBV) refers to any harm or potential for harm perpetrated against a person's will on the basis of gender (IUCN, 2018; Castañeda et al., 2020). GBV encompasses many different expressions of violence, including but not limited to physical, sexual, verbal, psychological and emotional abuse in the form of sexual harassment, rape, domestic violence and intimate partner violence, child marriage, human trafficking, and female genital mutilation (USAID, n.d.b.; USAID, 2012; UNHCR, 2016).

Key Terms

The term **human rights defender** was introduced in the Declaration on Human Rights Defenders in 1998. Since then, other UN Declarations, activists and organisations have used additional terms to describe more specifically the wide range of defenders.

Human rights defenders (HRDs) are any individual or group of individuals who work to promote or protect human rights, such as (but not limited to) the rights to life, food and water, health, housing, education and freedom to assemble. Defenders can be of any gender, age, ethnicity, nationality, profession or background. They can be formally or informally organised, working as lobbyists, activists, working for various types of organisations or simply defending or protecting the rights of their community (OHCHR, n.d.).

Environmental human rights defenders (EHRDs)* are any individual or group of individuals working to protect or promote human rights in the context of the environment, such as the defence of land rights, access to natural resources and the right to a healthy environment. Some EHRDs are formally working to protect human rights and the environment, but many unintentionally become EHRDs, unaware they are acting as said defenders, typically in defence of their communities and natural resources. Often, EHRDs are members and/or representatives of Indigenous and traditional communities whose land rights and livelihoods are threatened by large infrastructure projects or extractive activities such as dams, logging, industrial fishing, mining or oil extraction (Knox, 2017).

Women environmental human rights defenders (WEHRDs) is the term used in this article to refer specifically to women defenders working on human rights issues related to environmental justice, land rights and access to and control over natural resources.

* EHRDs are sometimes called ‘earth rights defenders’ and ‘land and territory defenders’.

Source: Castañeda et al. (2020).

women in 2017, they are often subjected to “smear campaigns, threats against their children, and attempts to undermine their credibility; sometimes from within their own communities, where macho cultures might prevent women from taking up positions of leadership” (Global Witness, 2018). As Berta Cáceres, environmental defender assassinated in 2016, stated:

It is not easy to be a woman leading [I]ndigenous resistance processes. In an incredibly patriarchal society women are very exposed, we need to face very risky circumstances, sexist and misogynistic campaigns. This is one of the things that can [weigh the most]. The sexist attacks from all sides. [El Desconcierto, 2016]

The overlapping and intersecting layers of discrimination have placed WEHRDs at a distinct disadvantage in their defence of the environment. In the Philippines, community leader Bae Rose Undag-Lumadong, who assumed leadership through long-held rituals in her Higaonon community, faced the double challenge of standing up to extractive projects in defence of her community's land rights and getting her community to accept her in a position of power. In her role as a woman defender, she often received comments such as “you're just a woman”, in some cases coming from Higaonon women themselves (Heroepoetri et al., 2015).

As women are often caretakers of the home and family, WEHRDs are faced with a double standard based on their gender when they assume roles as full-time activists. WEHRDs can be labelled as ‘bad mothers’, become ostracised by their own communities, and stigmatised when they assume their activist duties and leave their children at home in the care of a relative or friend (Hurtes, 2018). In other cases, WEHRDs' defence work has been hindered with threats of having their children taken away. Others have been wrongfully criminalised and arrested, and even convicted of unjust crimes for their efforts to defend their communities and resources (Hurtes, 2018; Heroepoetri et al., 2015). These threats can have prolonged effects for women, their families and communities, as well as environmental activism and its goals (Castañeda et al., 2020).

In rural Kenya, where marriage is often necessary for a woman's financial stability, WEHRDs standing up against extractive projects are denounced as being non-submissive, an unattractive quality to men in search of a spouse (Angel & Kihara, 2017). This type of stigmatisation becomes an act of violence to control WEHRDs and silence their efforts, with their financial stability at stake (Ibid.). WEHRDs in Africa are slandered by police, verbally and psychologically abused, called ‘prostitutes’ and ‘home breakers’, and wrongfully arrested, detained and criminalised. The criminalisation of their actions can have a severe economic impact, as the fees incurred can be financially crippling (Ibid.).

2.1 Violence against Indigenous women defenders

GBV experienced by WEHRDs can often be amplified when it intersects with other forms of discrimination, such as those based on race or ethnicity. Indigenous WEHRDs, who are often the vanguard of environmental defence, face disproportionate and intersecting forms of gender-based and other forms of violence, due to a long history of discrimination associated with racism and socioeconomic and political marginalisation (Castañeda et al., 2020).

Indigenous peoples, who lack legal recognition and protection of their rights, are rarely consulted in the formation of public policies and rarely participate in decision making related to their lands. The additional layers of discrimination Indigenous women experience based on their gender, both within and outside their communities, places them at greater risk of violence, exploitation, livelihood insecurity and marginalisation when they confront extractive industries (Wijdekop, 2017; ILO, 2017).

For example, in Guatemala, Indigenous women lack legal recognition and awareness of their rights and endure barriers to public services and participation in decision making, exacerbating their vulnerability to economic and social exclusion, exploitation, marginalisation and GBV in defence of their environment (Castañeda et al., 2020; Carlsen, 2014). An Indigenous defender from Guatemala explains:

When they threaten me, they say that they will kill me, but before they kill me, they will rape me. They don't say that to my male colleagues. These threats are very specific to [I]ndigenous women. There is also a very strong racism against us. They refer to us as those rebel Indian women that have nothing to do, and they consider us less human. [Barcia, 2017, p. 14]

Indigenous WEHRDs are also frequently criminalised. Luisa Lozano and Karina Montero, Kichwa women from the Saraguro people in Ecuador, working to defend Indigenous land rights, were charged with obstruction of public services and initially sentenced to four years in prison. According to the Urgent Action Fund for Latin America and the Caribbean (UAF-LAC), “[t]hey were violated and discriminated against for being Indigenous women at the moment of their detention” (UAF-LAC, 2018).

The struggle against GBV linked with extractive industries is all too familiar for Indigenous communities, which have fought against the adverse impacts of colonisation and resource appropriation for centuries (Barcia, 2017). GBV often sits on top of larger, more complex socioeconomic, cultural, and political circumstances unique to the context in which these industries operate (Castañeda et al., 2020). Combating power asymmetries within these unique circumstances in order to tackle violence against women and men EHRDs – Indigenous and non-Indigenous alike – is a significant challenge, as the circumstances often involve powerful corporate interests that are deeply economically intertwined with national governments.

2.2 Human rights abuses by corporate and state actors

Extractive industries, agribusiness and large-scale development projects often rely on the state, the military or existing private security and paramilitary forces in the country to protect their interests and infrastructure (Carvajal, 2016). The militarisation surrounding some of these companies has triggered threats, harassment and persecution of EHRDs, illegal detentions, violence – including GBV – forced disappearances, killings and an overall violation of human rights (Ibid.).

As previously discussed, WEHRDs face gender-differentiated forms of discrimination and violence. UAF-LAC found that the majority of attacks against WEHRDs happen during violent forced evacuations where women are physically and sexually assaulted by police or paramilitary groups hired by extractive companies (Ibid.). For example, Indigenous Maya-Q'eqchis women were sexually assaulted and raped by police and security guards of the Guatemalan Nickel company during the forced eviction from their ancestral territories (Ibid.).

States often see the high profits derived from the extraction of natural resources and development projects as a ‘national interest’ and can fail to comply with the rule of law or to enforce it against those who violate it (Knox, 2017). Consequently, many states adopt laws that curtail the efforts of EHRDs and favour the actions of the extractive sector, legitimising and legalising the criminalisation of defenders and any act of repression and violence against them (Penchaszadeh, 2013). WEHRDs are particularly vulnerable to criminalisation and its effects, due to their disadvantaged social and economic conditions rooted in historical economic and political discrimination (Barcia, 2017).

In Ecuador, eight WEHRDs from the *Frente de Mujeres Defensoras de la Pachamama* (Women’s Front for the Defence of Mother Earth) were assaulted and arbitrarily detained by police and security forces while peacefully protesting the Río Blanco mining project in October 2015 (Murcía & Carvajal, 2016; Front Line Defenders, 2016b). Rather than

condemn the attacks, a court ruling praised the behaviour of the police for safeguarding the integrity and security of public and private property, protestors, and the right to peacefully assemble (Front Line Defenders, 2016b). The Ombudsman presiding over the case stated that the attack and arbitrary detention of the eight defenders was a necessary and reasonable use of force and encouraged it in future demonstrations (Ibid.).

Women participating in the assembly of Pueblo Shuar Arutam, Ecuador.

PHOTO:
LLUVIACOMUNICACIÓN



While prosecuting direct perpetrators of violence in these contexts is often challenging, it is even more difficult to bring the masterminds behind these abuses to justice. For example, while the Honduran court ruled that the assassination of the Indigenous environmental defender Berta Cáceres was ordered by executives of the Agua Zarca dam company DESA, who contracted a group of hitmen to kill her, only seven men directly involved in the assassination – some of them employed by the company – were convicted and sentenced to up to 50 years (Lakhani, 2019), while at the time of writing the President of DESA – Roberto David Castillo Mejía – was still awaiting a final sentence.

The African Commission on Human and Peoples’ Rights and Inter-American Commission on Human Rights have each expressed their concern over the human rights violations perpetrated by non-state actors in the extractive sector (ACHPR, 2009; IACHR, 2016). The impunity of violence against women and men EHRDs not only affects their families and communities, but it also hinders their efforts in the protection and conservation of their territories. The gender-differentiated risks that women are exposed to require that all mechanisms to prevent and respond to human rights violations specifically include measures to address GBV.

3. Existing policy framework and gaps to protect WEHRDs

In 1998, the UN General Assembly adopted the Declaration on Human Rights Defenders, which established a vision for strengthening the work of HRDs around the world and set in motion various actions within governments, donor agencies, international NGOs and regional mechanisms for the protection and safety of HRDs. In 2000, the UN Commission on Human Rights established a mandate on the situation of HRDs, which served as a precursor to the first appointment of a UN Special Rapporteur on the situation of HRDs in 2014. In 2012, the Human Rights Council created a mandate on human rights and the environment and appointed the first Independent Expert on the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (Knox, 2017). Additionally, in 2013 the UN General Assembly adopted the first resolution on WHRDs (UNGA, 2013).

Most recently, in 2019, the United Nations Human Rights Council passed a resolution laying the groundwork for protections of EHRDs, calling on States to acknowledge and legitimise the role of HRDs in their promotion of human rights and democracy, and avoid stigmatising their work, including environmental protection (UNHRC, 2019a). The resolution also specifically calls attention to the rise in gender-based violence and calls on States to implement gender-responsive solutions.

3.1 International framework to prevent human rights abuses in the private sector

A number of international corporate guidance principles have been adopted to protect the rights and interests of populations facing human rights abuses and violations. Some include specific provisions for women, such as the United Nations Global Compact – which developed a Women’s Empowerment Principles Gender Gap Analysis Tool for businesses to assess gender equality performance – or the *OECD Guidelines for Multinational Enterprises* – which identifies equal opportunities for women as a target group but with no specific reference to EHRDs (UN Global Compact, 2017; OECD, 2011).

The *United Nations Guiding Principles on Business and Human Rights* provides a set of recommendations for states and businesses for upholding the highest standards of human rights, and providing access to remedy when human rights violations are committed (Global Witness, 2018). Additionally, given the differentiated risks faced by women and men, states are encouraged to provide adequate assistance to businesses to assess and address gender-based and sexual violence (OHCHR, 2011).

While these principles bring some corporate awareness of and strategies for addressing gender-differentiated risks, they are still voluntary and non-binding. They have so far failed to stop human rights violations and the destruction of the environment, as many organisations do not comply. Moreover, they suffer few consequences, as there is no enforceable legal framework to hold them legally accountable.

As the violence against women and men EHRDs rises, the need for legally binding instruments is all the more pertinent for holding businesses and States accountable for human rights violations. The UN Human Rights Council is working on a legally binding instrument to regulate the activities of transnational corporations and other business enterprises in order to protect environmental defenders and their rights, prevent violations and ensure appropriate redress mechanisms, while strengthening international cooperation (OHCHR, 2019). The instrument recognises the “distinctive and disproportionate impact of certain business-related human rights abuses on women and girls” and demands special attention to those facing heightened risks of violations of human rights, such as women (Ibid.). States and relevant stakeholders were requested to submit additional suggestions on the text by the end of February 2020 (UNHRC, n.d.).

3.2 States adoption, implementation and enforcement of international, regional and national policies

Today, 130 states are parties to regional treaties in which the right to a healthy environment is explicitly stated (Wijdekop, 2017). In total, at least 155 states legally recognise the right to a healthy environment, and in more than 100 states, this right has constitutional protection at the national level and is included in national environmental laws (Ibid.).

To date, the 2018 Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean⁸ is the only legally binding agreement stemming from the United Nations Conference on Sustainable Development (Rio+20) to include a binding provision for promoting and protecting human rights defenders in environmental issues (Bárcena, 2018). While GBV against defenders is not explicitly recognised, it marks progress toward legal protection for EHRDs in the region, and must be implemented in concurrence with gender policies other specific GBV mechanisms.

Notwithstanding the fact that these protections exist, insufficient enforcement remains, and criminalisation of defenders continues (Global Witness, 2018; Watts, 2018). For example, in Colombia – the country with the greatest number of EHRDs killings in 2019 – a newly established National Protection Unit for defenders has not fully complied with protection requests, particularly in rural areas, as occurred in the case of the *Movimiento Ríos Vivos*, where members are still awaiting protection (UAF-LAC, 2018). Legislation can also be regressive and further threaten the work of EHRDs. In Nicaragua, new legislation passed in 2018 broadened the definition of terrorism, under which dozens of people, including protestors, students and farmworkers have reportedly been arrested (Global Witness, 2019).

4. Civil society organisations: their fundamental role in the documentation of gender-based violence and protection of WEHRDs

Recognising the lack of legal protection and accountability by governments, the work of civil society organisations (CSO) has been paramount in the defence of human rights, including women’s rights and the rights to land and to a healthy environment; as well as in the protection of women and men HRDs. CSOs have been essential in raising awareness (including through global campaigns), establishing methodologies and protocols for addressing violence, and contributing to the development of international and national mechanisms that guarantee safety and protection for women and men defenders. Through the provision of rapid-response grants in particular, CSOs also provide crucial financial support to women and men EHRDs and groups working on the ground. Additionally, they have taken the lead in collecting data and reporting violence, shedding important light on the gender-differentiated violence against WEHRDs.

4.1 Networks to accelerate the defence of environmental human rights defenders

The creation, expansion and strengthening of WHRDs’ networks and coalitions has been growing to address the rise in violence, including GBV, against them.⁹ Prominent WHRDs international organisations and groups such as Just Associates (JASS), Association for Women’s Rights in Development (AWID), and Urgent Action Fund for Women’s Human Rights (UAF) have contributed to the creation of regional and sub-regional networks and organisations.¹⁰ Accordingly, several organisations and coalitions in Asia, Latin America and the Caribbean, and Africa have emerged within the last couple of decades, including the Asia Pacific Forum on Women, Law and Development in Asia-Pacific, the Mesoamerican Women Human Rights Defenders Initiative (IM-Defensoras) in Central America, and WoMin and DefendDefenders in Africa. Many of these organisations are also members of the Women Human Rights Defenders International Coalition, which has developed conceptual methodological frameworks, tools and reports to document, prevent and protect WHRDs (WHRDIC, n.d.).

The work of these regional and international organisations has helped build the capacity of national coalitions and defenders, among which is IM-Defensoras, operating since 2010 and born out of a coalition of several organisations, including JASS Mesoamerica. IM-Defensoras facilitated the establishment of four national Defensoras’ networks in Mexico, Guatemala, Honduras, and El Salvador. These national networks serve as the primary mechanism for securing violence prevention and protection of women defenders at the national level, guaranteeing continued communication and coordination among defenders at risk and responding to their diverse set of needs (JASS, n.d.).

While these organisations focus more broadly on upholding women’s human rights, some of them do specific work to protect WEHRDs and often collaborate with environmental organisations, providing crucial information on the gender-differentiated violence

experienced by men and women EHRDs. For example, Global Witness commissioned JASS to write a section on the specific risks faced by women defending land and environmental rights for their 2018 report, which incorporated findings from several other women's rights organisations¹¹ (Global Witness, 2018). Similarly, UAF-LAC has collaborated with fourteen international and national organisations to document, analyse and present information to key stakeholders on specific attacks against WEHRDs across the region, including the differentiated impacts of such attacks and patterns of criminalisation used to silence their voices (UAF-LAC, 2018).

Many of these organisations directly engage with UNHRC, providing knowledge and data on defenders, which have been used by various UN Special Rapporteurs (e.g. on the situation of HRDs, for Human Rights and the Environment, and on the rights of Indigenous peoples) to raise awareness on GBV against WEHRDs and contribute to important resolutions that directly affect the safety and protection of defenders. They also often provide data, coordinate and liaise with other regional human rights bodies, such as the Inter-American Commission on Human Rights or the African Commission on Human and Peoples' Rights, as well as international human rights organisations such as Amnesty International, among others.

Taken together, the collective work of WHRD and environmental organisations has had a ripple effect at the national, regional and international level in strengthening national and international campaigns and calls to action to protect men and women defenders and their communities. In 2018, the Human Rights Defenders World Summit, a CSO-led event, celebrated the 20th anniversary of the UN Declaration on Human Rights Defenders and adopted an Action Plan that demands states, businesses, financial institutions, donors and intergovernmental institutions to address the gender-differentiated violence experienced by women HRDs (HRD World Summit, 2018).

4.2 Documenting and reporting violations against WEHRDs

With few official data on violence against WEHRDs, the work of CSOs has been critical in collecting information and reporting on violations against defenders. Many countries do not officially register attacks and provide protection, resulting in underreporting and underestimation of violence against them (Global Witness, 2018; Osorio et al., 2016). Accordingly, many CSOs have undertaken the effort to register attacks against HRDs to highlight the gender-differentiated risks and provide gender-responsive support and protection, including to those defending land and the environment. The gender-responsive documentation of attacks against EHRDs is essential to monitor their safety, adopt the appropriate protection measures and collect evidence against perpetrators. Additionally, it contributes to building a knowledge baseline and to better understand the gender-differentiated risks women and men face (Osorio et al., 2016).

As an example, IM-Defensoras has developed the Mesoamerican Registry of Attacks against WHRDs, to collect and analyse data on attacks against WHRDs and their organisations in Mesoamerica. The registry includes any gender components of

attacks and the types of rights defended, including land, territory and environmental rights (IM-Defensoras, 2013). The initiative documented 609 aggressions against WHRDs between 2015 and 2016 in Mexico and Central America (López & Vidal 2015; Osorio et al., 2016). Since then, they have documented how WHRDs defending land, their territory and natural resources are those who most frequently experience violence. Despite this data, IM-Defensoras confirms an underreporting of attacks, particularly when perpetrators are non-state actors or when GBV occurs within WHRDs family (i.e. domestic violence) or within organisations (IM-Defensoras, 2013).

Front Line Defenders also found that their statistics underrepresented more sensitive types of violence, such as sexual violence, as not all violations reported wanted to be made public. To get a more comprehensive picture, they analysed the data from their Grants programme, including all violations reported in order to seek protection, and found that while sexual violence was not included in the public statistics, it was identified in 7% of grant applications (Front Line Defenders, 2020).

Considering data scarcity on violence against WEHRDs, most reports produced by CSOs are enriched with case studies from women activists that have been subjected to various forms of violence, such as individual and collective criminal charges, threats, attacks, sexual harassment and femicide (UAF-LAC, 2018). Women's voices and experiences provide unique knowledge and information and contribute to a better understanding of the gender-differentiated risks they are exposed to and provide a knowledge base to support demands and recommendations to the various actors involved, namely the state, businesses and human rights international organisations.

These cases allow us to evidence the alarming situation of women defenders, the implementation breach for rights related to the defence of human rights, and a lack of recognition by all types of judicial operators regarding the standards that they must observe to fight impunity in attacks against women defenders [ibid.].

Quantitative and qualitative information collected by CSOs has informed national and international policies and mechanisms. For example, in 2010 the annual report of the Special Rapporteur for Human Rights Defenders focused on WHRDs, including those defending land and the environment (UNHRC, 2010). Since then, mentions of WEHRDs and the gender-differentiated risks have been included in subsequent reports and have become the focus again of the 2019 annual report on HRDs, where the gendered risks faced by women are discussed (UNHRC, 2019b).

CSOs' work in data collection, reporting of abuses, and collaboration with the environmental sector has contributed to not only more protection, but a more thorough understanding of the systemic, gendered and underlying root causes of the violence at hand. Bridging data gaps can contribute to measuring progress towards the achievement of the sustainable development goals and a more thorough understanding of the gender-environment intersection. While gaps remain, collection of data and specific research and documentation of GBV in the defence of the land and the environment is gaining

momentum (Castañeda et al., 2020). This presents a number of opportunities for enhancing the current knowledge base, including for GBV-environment statistics (UNEP & IUCN, 2018).

5. Conclusion

The various forms of violence inflicted on women and men EHRDs and the violation of their rights not only affect the lives of the defenders and their communities, but have larger implications for sustainable development and the conservation of global biodiversity. EHRDs fight for a more sustainable and equitable future, an objective shared by the *2030 Agenda for Sustainable Development*. Guaranteeing their protection involves recognising and understanding the gendered and varying forms of violence EHRDs experience, unique to the context in which they defend their lands, environment and resources.

Adequate gender-responsive protections and policies for EHRDs are therefore essential for the preservation of ecosystems and sustainable use of natural resources. With greater legal protection from violence, including GBV, more financial resources can be garnered to support and protect EHRDs, and ultimately the preservation of vital natural resources. More legally binding agreements can also provide leverage in bringing legal action against state and non-state actors who do not comply, and simultaneously provide an easy-to-follow accountability mechanism for environmental programmes (Castañeda et al., 2020).

In this vein, progress has been made internationally in recognising the need to support and protect EHRDs, including through the legally-binding Escazú Agreement in 2018, the revised draft of the UN Binding Treaty, and the landmark resolution from the UNHRC in 2019, which recognised the contribution of EHRDs to sustainable development and highlighted GBV specifically as a mounting concern. These steps are essential toward influencing and advancing the development of international legal mechanisms for the protection of EHRDs with a rights-based and gender-responsive approach. Building on the Escazú Agreement and other international resolutions and provisions will be essential as other regions and countries work to advance legal protections for EHRDs, with greater attention to gender considerations and GBV faced by WEHRDs (Ibid.).

Nevertheless, gender-responsive action must be taken not solely within international and national policies, but in the private sector and civil society. To end impunity for large corporations, and the governments that back them, power asymmetries between those with power, i.e. transnational companies and governments, and those with little agency, i.e. defenders, need to be dismantled through more rigorous legal protection. Gender-responsive rights-based policies and safeguards need to be implemented and enforced by the private sector to prevent human rights violations and GBV and provide appropriate protection and redress mechanisms for EHRDs.

Documentation can bring about changes in laws and legal mechanisms to prevent human rights violations (WHRD-IC, 2015). CSOs have been essential in the documentation of

attacks against women and men EHRDs, and donors and international organisations can scale up support to and recognition of these efforts. Data collection and documentation from a gender perspective is key to better understand gender-differentiated risks and to adopt gender-responsive legislation (Ibid.). The dimensions of ethnicity, class, location, age, sexual orientation, among others, also need to be taken into account to understand the complexity of the situation faced by women and men defenders (Osorio et al., 2016). CSOs invaluable work should continue with properly designed and implemented interventions that fully integrate gender and GBV considerations to protect and support the work of EHRDs (Ibid.).

Key recommendations

- Strengthen and leverage policy frameworks and legally binding agreements in order to:
 - promote and support WEHRDs’ work, acknowledging their gender-differentiated contribution to sustainable development and conservation;
 - hold state and non-state actors accountable for human rights violations and crimes against them; and
 - acquire more gender-responsive financial resources to support their efforts;
- Conduct and prioritise gender-responsive research that examines the systemic and root causes behind the violence experienced by men and women EHRDs and systematically collects data disaggregated by sex, gender, ethnicity, class, location, age, sexual orientation, among other variables;
- Design and implement gender-responsive tools and interventions to protect EHRDs; and
- Empower women and men EHRDs and CSOs by supporting them to advocate for increased legal protection to help combat a culture of impunity for corporate actors and governments and criminalisation of defenders, bearing in mind gender-differentiated violence and the need for gender-responsive measures.

Guaranteeing the gender-responsive protection of all EHRDs is essential in the fight to protect the environment and human rights. It is imperative for the achievement of the SDGs, the future health of the planet, and the safety of communities and individuals, that EHRDs are supported as they stand up and fight for a more sustainable, prosperous and equitable future.

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Rap del Veedor/The Monitors' Rap

Video by Gasel



The song “Rap del Veedor” was created by the talented Gasel, who represents the communities in which the Amazonia 2.0 project is implemented in Atalaya, Peru. This live performance was recorded as part of the inauguration of the Global Youth Summit in April 2021.

Eler Gabriel Rojas, “Gasel”, is a Yune Indigenous youngster from Peru who lives in one of the targeted areas of the Amazonia 2.0 project. In his first song, “Rap del Veedor” (“The Monitors’ Rap”), Gasel communicates the perception of the local Indigenous Veedores, who supervise the forests considered in this project.



H.E. Ms Ana María Menéndez Pérez, Ambassador, Permanent Representative of Spain, speaks at 'Environmental Human Rights Defenders: Responding to a Global Crisis'

SOURCE: UNIVERSAL RIGHTS GROUP

Protecting and supporting defenders: A review of policies for environmental and land defenders

Shivangi Khanna^{a)} and Philippe Le Billon^{b)}

Abstract

Based on a review of 38 key documents from 27 organisations, this paper identifies important issues and recommendations to improve protection and support for environmental and land defenders. These include tackling root causes of risk by addressing legal gaps and weaknesses within environmental law, supporting anti-corruption initiatives, and recognising land rights; supporting and protecting ELDs by recognising their roles and rights and preventing abuse through dialogue between states, companies and defenders; adopting legal measures including the suspension of projects which do not address risks; ensuring corporate and government accountability for abuses by systematically monitoring, reporting and 'naming and shaming' of perpetrators, and legal procedures; adopting a rights-based approach of policies and regulations through the meaningful participation of environmental and land defenders; and developing legally binding instruments on access to information, public participation, and justice in environmental matters.

Key words: environmental and land defenders; human rights; protection; IUCN; OHCHR

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Introduction

As demand for products like timber, minerals and agricultural products grows, corporations and governments often obtain land and extract resources with little regard for the environment and local communities. Those taking a stand to defend their lands and rights to a clean and safe environment frequently face persecution. Between 2002 and 2019, at least 1,946 environmental and land defenders were killed in 58 countries while taking “peaceful action to protect environmental or land rights, whether in their own personal capacity or professionally” (Global Witness, 2020). Many more have suffered from harassment, defamation, detention, and other forms of repression (Knox, 2017; Le Billon & Lujala, 2020).

In 2000, the IUCN World Conservation Congress passed resolution 2.37 to express its “Support for environmental defenders”, recognising the importance of grassroots environmental organising and action, the threats defenders face, and the need for the Director General to “speak out publicly and forcefully” against their harassment or persecution (IUCN, 2000). The resolution echoed the groundbreaking Aarhus Convention on public participation and access to justice in environmental matters, and the United Nations General Assembly *Declaration on Human Rights Defenders*, setting a set of principles, state duties, and broad responsibilities to support and protect human rights defenders in their work (European Commission, 2019). Policy progress for environmental defenders remained slow and inadequate in face of the massive commodity boom that took place between 2003 and 2011 (Global Witness, 2012).

By the early 2010s, a number of initiatives started taking place, including the UN Guiding Principles on Business and Human Rights (OHCHR, 2011), the Shelter City initiative (Donders, 2016), and the UN Human Rights Council supporting a Special Rapporteur mandate on the situation of environmental and land defenders (Article 19, 2016). In 2012, Global Witness released a report about defenders killed in the previous decade (Global Witness, 2012), and in 2013 the UN set up the UN Human Rights Up Front initiative (UNEP, 2017). The Universal Rights Group followed in 2014 by emphasising the right to a healthy and safe environment (Universal Rights Group, 2014), and the Inter-American Commission on Human Rights publicly condemned rights violations and the stigmatisation of defenders. In 2016, the UN Special Rapporteur on Human Rights and the Environment published a landmark report calling for a rights-based approach to protect defenders (Article 19, 2016). The Environmental Rights Initiative Campaign (IUCN, 2018) was launched and in 2018 the Escazú Agreement was adopted in Latin America and the Caribbean (Packard, 2018).

Based on a review of 38 key documents from 27 organisations, this paper covers the main issues and recommendations identified throughout two decades of advocacy and policy initiatives to recognise, protect and support environmental defenders. Major areas of concern include for more systematic and effective support and protection of environmental and land defenders include a lack of recognition of the right to a healthy and safe environment (Mukha, 2018; Boyd, 2020) and/or ratification and implementation

of ILO Convention no. 169 (Knox, 2017), as well as weak or inadequate protection mechanisms and the frequent use of the security and judicial apparatus to repress and criminalise rather than protect defenders (IACHR 2016a; de Marchi Pereira de Souza, 2017; Middeldorp & Le Billon, 2019). Lack of technical and capacity building support, including through limited access to relevant legal instruments, or budgetary reductions for national or regional human rights protection systems.

Recommendations for the protection of Environmental and Land Defenders (ELDs) fall within five main areas of intervention:

- 1) Tackling root causes of risk by addressing legal gaps and weaknesses within environmental law, supporting anti-corruption initiatives, and recognising land rights. Tackling these root causes includes reducing the risk of investments and foreign aid resulting in violations of human rights. Intervention includes offering transparent resource projects and public participation throughout the project life (Global Witness, 2017);
- 2) Supporting and protecting ELDs by recognising their roles and rights and preventing abuse through dialogue between States, companies and defenders; and adopting legal measures including the suspension of projects which do not address risks (Ibid.);
- 3) Ensuring accountability for abuses by systematically monitoring, reporting and ‘naming and shaming’ of perpetrators, and legal procedures. Further, investigations and accountability of direct perpetrators through court trial and implementation of court decisions. This includes corporate accountability for lack of due diligence (Ibid.), as well as government accountability, including for diplomatic missions supporting projects putting defenders at risk of grave human rights abuses (Charles & Le Billon, 2020) ;
- 4) Adopting a rights-based approach of policies and regulations through the welcomed and meaningful participation of environmental and land defenders (UNEP, 2017);
- 5) Developing legally binding instruments on access to information, public participation, and justice in environmental matters (Ibid.).

Following this Introduction, Section 1 briefly presents the situation of environmental defenders. Section 2 maps out the organisational landscape and analyses existing policies to protect ELDs. Section 3 provides a summary of key recommendations for stakeholders.

1. The situation of Environmental and Land Defenders (ELDs)

UN Environment defines an environmental human rights defender (EHRD) as “anyone (including groups of people and women human rights defenders) who is defending environmental rights, including constitutional rights to a clean and healthy environment, when the exercise of those rights is being threatened” (UNEP, 2017). ELDs are identified

above all through their work, whether paid or unpaid, to protect environmental and land rights. Whereas some may work as journalists, activists, or lawyers who expose and oppose environmental destruction or land grabbing, they are often ordinary people living in remote communities located in forests or mountains, and may not even be aware that they are acting as ELDs (Frost, 2016). In many such cases, they are Indigenous leaders or community members who defend their traditional lands (Ibid.). As demand for products like timber, minerals, and palm oil grows, governments, companies, and criminal organisations are exploiting land with little regard for the people who live on it. Those who protect their rights may find themselves threatened by the military, private security companies and contract killers (Global Witness, 2019).

Many of those who have dared to speak out and defend their rights against corruption, environmental impacts and human rights abuses surrounding extractive projects are brutally silenced, disempowered and displaced (Global Witness, 2017). Across the globe, they are stigmatised as threats to the State, anti-development agitators, criminals, separatists or terrorists (Mai, 2018). Types of attacks range from psychological, including surveillance campaigns, harassment, and defamation in the media and social networks; to physical assaults, such as acts of torture, forced disappearances and assassinations (Article 19, 2016).

Some of the major factors behind the vulnerability of ELDs include:

1.1 Growing demand for the exploitation and extraction of natural resources

Population growth and rising consumption, often driven by the Global North and rising economies, increases demand for natural resources and electricity. Searching to capitalise on this demand, resources such as timber, fossil fuels, and minerals are exploited on an increasing scale, often in countries in the Global South whose governments are pursuing economic growth based on natural resource exploitation.

Whilst some resource projects are state-led, many are (multi)national private enterprises, often funded by international investors including banks, pension funds and multilateral organisations such as the World Bank. The drive for profit and development often hampers monitoring and regulation, as well as corruption between private enterprises and public officials.

While Brazil and the Philippines are among the world's deadliest country in terms of sheer numbers, due a combination of size, lack of rule of law, and aggressive resource development, deadly violence against ELDs is not confined to any one corner of the planet (Global Witness, 2017). The death toll surmounting from the mining industry in the Philippines is enough to put Asia on the map. India stands witness to killings against a backdrop of heavy-handed policing and repression of peaceful protests and civic activism, including against coal mining. Africa is not far behind, but more related to wildlife conflicts: The Democratic Republic of Congo came into the limelight when

a large number of rangers were killed defending national parks from poachers. Global Witness has documented fewer killings in Peru and Indonesia throughout the years, even though defenders in both countries still continue to be threatened, criminalised, and attacked by mining and agro-industrial companies and authorities (Ibid.).

1.2 Marginalisation

Those already marginalised within a society or country are more vulnerable to harassment and violence. As Indigenous groups depend on their local environment for the maintenance of their traditional culture (Knox, 2017), around 40%–50% of all victims come from Indigenous and local communities who are defending their lands and access to natural resources (UNEP, 2017) for their livelihoods. The UN Special Rapporteur on the Rights of Indigenous Peoples has noted that “Indigenous communities have suffered devastating and negative consequences around the world as a result of extractive industries” (Anaya, 2011). As highlighted, these consequences include “the gradual loss of control over Indigenous lands, natural resources and territories, degradation and destruction of ecosystems [...] including the pollution of water and land, and the depletion of local flora and fauna and places of cultural and spiritual significance” (Ibid.). Some ELDs among Indigenous communities may not consciously identify themselves as such. They may lack access to external support or adequate information from national authorities, environmental lawyers, and NGOs. Due to such power imbalances, Indigenous communities are threatened, intimidated, and even killed with impunity (Article 19, 2016).

1.3 Rule of law and ELD criminalisation

ELDs are made more vulnerable by the failure of the rule of law or its biased application. Sometimes the law’s failure to protect ELDs is a matter of incompetence or ineffectiveness. Other times, laws are selectively applied against ELDs, serving to criminalise them and discourage others from claiming their rights. Law enforcement is also biased in favour of resource project proponents and large landowners. As a result:

- 1) Violence is frequently directly committed by official security forces (Knox, 2017);
- 2) States frequently fail to punish people involved in the harassment and violence directed towards ELDs (Ibid.);
- 3) States do not to adopt or implement laws for the protection of ELDs and fail to provide platforms to speak, protest, organise and take actionable steps against the violence of their rights to freedom of expression and association (Ibid.);
- 4) ELDs face legal harassment, including biased charges and court rulings.

The numbers resulting from failure in rule of law are striking. Out of the 185 killings of environmental and land defenders taking place around the world in 2015, Global Witness was able to find information on suspected perpetrators in 97 cases, of which 16 were attributed to paramilitary groups, 13 to the army, and 10 to the police (Global Witness, 2016). In addition, in 2016 Global Witness also found strong evidence that government

forces were behind 43 killings – 33 by police and 10 by military – whereas private actors, such as security guards and hitmen, are linked to 52 deaths (Global Witness, 2017).

State officials also harass ELDs by confiscating their equipment (such as cameras, recorders and computers), detaining them and using excessive force against them (EHAHRDFP, 2012). Authorities have also been seen disrupting peaceful protests through arresting organisers, participants and those reporting on the events (FOEI, 2014). A well-known example from the US is the arrest of Amy Goodman, a prominent journalist reporting on the Standing Rock protests in 2016 for *Democracy Now!*. She was arrested and charged with participating in a ‘riot’ (Levin, 2016).

In Colombia, the recently signed peace deal between the government and the main guerilla group - *Fuerzas Armadas Revolucionarias de Colombia* - has left a power vacuum in rural areas formerly controlled by the FARC, and a rush by leading landowners, resource companies and illegal armed groups to fill it. Although the country has a state program in place to protect human rights defenders, it is under-resourced and failing to do the job, according to civil society watchdog *Somos Defensores* (Global Witness, 2017). Rural communities attempting to reclaim lands stolen during half a century of conflict find themselves under attack by a myriad of groups (Ibid.).

As much as governments actively use the law against environmental and land defenders, so do private businesses and individuals. They participate in activities which lead to litigation costs and damages that defenders may be unable to pay with lawsuits amounting to defamation or libel (Kiai, 2015). For example, consider Nasako Besingi, the director of SEFE, a Cameroonian NGO. After drawing attention to the harmful consequences of a palm oil project financed by the US venture capital firm Herakles Capital, Besingi was convicted of defamation, organising unlawful assemblies and spreading false news. He was sentenced to pay a fine of US \$2,400 or face up to three years of prison (Global Witness, 2016).

In a nutshell, in situations of impunity the perpetrators of crimes against ELDs are permitted to walk free, whilst defenders are stigmatised and are charged with aggressive civil or criminal cases brought by companies and governments to silence them. This tarnishes their reputation, locks them into costly legal battles and can break their spirit. Furthermore, lack of serious criminal investigations and prosecutions makes it hard to identify those responsible for crimes against ELDs.

To sum-up, the situation of ELDs in many countries demonstrate that States’ economic development does not sufficiently integrate respect for human rights, including social and environmental rights. As detailed below, many initiatives have pushed for the respect of key rights relevant to ELDs, including the rights of Indigenous peoples, the right to health, and the right to clean and safe environment, all while ensuring that the defence of this rights can be defended through foundational rights such as freedom of assembly, expression, and physical integrity (Article 19, 2016).

2. Analysis of existing policies and recommendations to protect ELDs

2.1 Stakeholders

A wide variety of stakeholders relate to environmental and land defenders. The core constituency consists of community-level organisations and individuals constituting ‘environmental and land defenders’. The term encompasses a broad range of people, including Indigenous people threatened by large-scale resource extractions, dams, agribusiness, and illegal logging, mining or land settling, landless peasants (re)claiming farmlands or long-established rural communities facing large-scale ‘land grabs’ by multinationals, and grassroots and professional environmental advocates. The term is also frequently applied to wildlife conservation staff and professional environmental activities, but also journalists and lawyers involved in environmental and land struggles. The various policy audiences targeted through the recommendations include defenders organisations and supporting civil society organisations at both national and international levels (‘defenders of defenders’). It also includes government authorities, companies, investors, as well as regional and supranational organisations.

2.2 Timeline of key initiatives

A comprehensive review was conducted through a systematic identification of relative policy documents. The review used search engines (Google and Google Scholar) and cross referencing checks. A total of 38 documents were identified from 27 organisations.

In March 1999, the UN General Assembly adopted the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (“Declaration on Human Rights Defenders”). The Declaration speaks directly to the obligation of States to support and protect fundamental freedoms that otherwise provide ELDs the right to peacefully assemble, protest and associate with others. Though it is not legally binding, the UN General Assembly adopted it by consensus, indicating strong state support (Article 19, 2016). Article 2 of the Declaration creates a positive obligation on States to adopt legislative and judicial mechanisms to protect the fundamental freedoms of ELDs. Article 12 obliges States to take “all necessary measures” to ensure everyone’s protection under the law. The UN General Assembly reiterated this in its 2015 resolution on “ELDs in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms”, specifically mentioning environmental and land issues as important ones that are hindered by attacks (Ibid.).

The Human Rights Council, in its resolution 22/6, reaffirmed the right of everyone to unhindered access to and communication with international bodies to cater to complaints received from defenders who have been subjected to reprisal for their cooperation with those entities.⁹

In 2000, at the International Union for Conservation of Nature (IUCN) World Conservation Congress, the following support was adopted for ELDs (IUCN, 2000):

- 1) To understand and recognise the importance of participation of NGOs, individual advocates and grass root environmental advocacy;
- 2) To appreciate the concerns raised by ELDs and human rights organisations about the danger of exercising basic rights such as rights of freedom of expression, opinion and assembly. The IUCN, in accordance with the International Covenant on Civil and Political Rights, at the local, national and international levels recognises these rights;
- 3) The Director General of the IUCN was called upon to speak out publicly and forcefully in support of freedom for individuals to participate in grass root environmental activities and to discourage harassment or persecution of environmental advocates and environmental organisations;
- 4) The IUCN Council was also called upon to publish regular member mailings, including names of ELDs whose harassment has been brought to the attention of the Director General.

The United Nations Economic Commission for Europe (UNECE)'s *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* was adopted on 25th June 1998 in Aarhus as a part of the “Environment for Europe” process. It came into force in 2001 (European Commission, 2019). The convention provides for:

- 1) Access to environmental information;
- 2) Public participation in environmental decision-making;
- 3) Access to justice.

In 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP), establishing a universal framework of minimum standards for the survival, dignity and well-being of Indigenous peoples, including through “the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources” and the “right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources”, to be implemented through “their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources” (UNGA, 2007).

In 2010, the European Parliament adopted a Resolution on EU Policies urging States to issue emergency visas for ELDs and their family members and accompanying such visas with “[...] measures of temporary protection and shelter in Europe, with a possibility of financial assistance, and housing” (Donders, 2016).

In June 2011, the UN Guiding Principles on Business and Human Rights represent progress towards ensuring responsibility and accountability of private enterprise activities with potential negative human rights impacts. Similarly, the steps taken by the UN Human Rights Council to draft a binding instrument on human rights and transnational corporations offer an important platform from which one can propose paradigms for accountability. This might challenge the impunity to which ELDs so often fall victim (Article 19, 2016).

In 2012, the Dutch NGO Justice and Peace, in collaboration with the municipality of The Hague, launched the Shelter City initiative – an initiative that offers temporal refuge for human rights defenders under threat in their home country. The program has since then been replicated elsewhere (Donders, 2016). In the same year, the mandate of the Special Rapporteur on the Situation of ELDs has been extended and created by Human Rights Council. The Special Rapporteur is required to present annual reports to the Human Rights Council and General Assembly on topics and special situations involving the capacity to promote and protect the rights of ELDs. Additionally, he engages in country visits and submits complaints to Governments when appropriate (Article 19, 2016).

Another initiative is UN's *Human Rights up Front* (2013), which is based on mandates from the UN Charter and General Assembly and the Security Council resolutions calling upon all UN agencies to strengthen prevention of serious problems that cut across the UN's three pillars of peace and security, development and human rights (UNEP, 2017).

Starting in 2014, meetings convened by Universal Rights Groups (URG) on the issue of EHRDs, emphasised the right to a healthy environment and called for more exposure of the importance of ELDs and the threats they faced (Universal Rights Group, 2014). The meetings also provided an opportunity for ELDS to exchange experiences and advice with other groups.

In 2015-2016, the Inter-American Commission on Human Rights (IACHR) condemned rights violations targeting ELDs and highlighted the increase in stigmatisation and criminalisation of EHRDs by both state and non-state actors (Article 19, 2016; IACHR, 2016a; IACHR, 2016b).

Two major landmark reports were released in 2016, by UN Special Rapporteur on the situation of human rights defenders, Michel Forst. The first conceptualised good practices in the protection of human rights defenders, or HRDs (A/HRC/31/55) (UNHRC, 2016), including the following principles:

- 1) Adoption of a rights-based approach to protect and empower HRDs to claim their rights and have these rights respected;
- 2) Recognising the diversity, cultures and belief systems of HRDs;
- 3) Emphasising the significance of gender in their protection and applying an intersectionality approach towards the assessment of risks and threats and to the design of protection initiatives;

- 4) Focusing on the ‘holistic security’ of defenders including physical safety, digital security and psychological well-being;
- 5) Acknowledging that defenders are interconnected and the focus must also be on groups, organisations, communities and family members who share their risks.

The second report, specific to environmental human rights defenders (EHRDs), followed extensive regional consultations and submissions from states and defenders (A/71/281). The report highlights the hostile context in which many defenders work, the root causes of rights violations, and approaches to empowering EHRDs/ELDs, including strengthening resources and capacities, fostering a safe and enabling context for their work, as well as boosting regional and international support (Frost, 2016).

Moreover, in September 2016, the International Criminal Court widened its remit so that politicians and other individuals, including private company representatives, can now be held responsible under international criminal law for crimes linked to land-grabbing and environmental destruction (Global Witness, 2018). Something to further look up to is the effort of the EU, Canada, Norway, Switzerland, the UK and the USA all who now have guidelines on how their governments and embassies should support at-risk ELDs. (Ibid.).

In 2017, UN Environment released its policy Promoting Greater Protection for Environmental Defenders (UNEP, 2017), and in 2018 it partnered with the IUCN World Commission on Environmental Law (WCEL), Global Witness, and Organization of American States (OAS) for the Environmental Rights Initiative Campaign, which acknowledged the role of State action to protect ELDs globally, and particularly in Latin America which sees 40%–50% of murders each year (IUCN, 2018). Information for Defenders is now available through a dedicated portal: <http://www.environment-rights.org>. The UN Environment has also launched an environmental defenders policy (Massé & Le Billon, 2018), and aimed to strengthen its mandate through:

- 1) UN Human Rights Council Resolutions on Human Rights and the Environment, most recently Resolution 34/20, which calls on UN Environment to enhance cooperation with other agencies to exchange information and build synergies in the protection of human rights and the environment;
- 2) UN Environment Programme Governing Council Decision 27/9 on advancing justice, governance and law for environmental sustainability (UNEP, 2017).

The UN Environment’s political mandate is provided by the 2030 Agenda for Sustainable Development to promote a regulatory framework (including laws, policies and practices) to further public participation. In adopting this Agenda, Latin American and Caribbean countries have advanced this vision. Their efforts have resulted in the only legally binding agreement stemming from the UN Conference on Sustainable Development (Rio+20) (Ibid.).

On 4 March 2018, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters was adopted at Escazú, Costa Rica which is rooted in

the tenets of Principle 10 of the 1992 Rio Declaration on Environment and Development (ECLAC, 2018). The legally binding agreement initially engaged 24 countries in the region in negotiation sessions since 2015, a region that has the highest rates of murder and threats to ELDs (Packard, 2018). It regulates access rights to information, public participation, and justice in matters as important as the sustainable use of natural resources, biodiversity conservation, the fight against land degradation and climate change, and building resilience to disasters. It also includes the world's first binding provision on human rights defenders in environmental matters in a region where sadly they are all too often subject to attacks and intimidation (ECLAC, 2018). By December 2019, 19 Latin American and Caribbean nations signed the Escazú Agreement. In terms of implementation, it is important to ensure enforcement capacity for the policies drafted. This environmental treaty joins only one other regional treaty: Europe's Aarhus Convention (Packard, 2018).

Within both these treaties lies a crucial recognition: the enjoyment and access to a safe, clean, healthy and sustainable environment is a matter of human rights. While the current Special Rapporteur on Human Rights and the Environment, Dr David Boyd, recognises that such a right has not yet been universally recognised, many good practices are already in place in numerous countries (Boyd, 2020). For example, in October 2019, Costa Rica conducted the first meeting of the signatory countries to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matter in Latin America and the Caribbean (CEPAL, 2019).

Overall, key recommendations for the protection of environmental and land defenders in the brief are:

- 1) Tackling root causes of risk by addressing legal gaps and weaknesses within environmental law, supporting anti-corruption initiatives, and recognising land rights. Tackling these root causes include reducing the risk of investments and foreign aid resulting in violations of human rights. Intervention includes offering transparent resource projects and public participation throughout the project life (Global Witness, 2017);
- 2) Supporting and protecting ELDs by recognising their roles and rights and preventing abuse through dialogue between States, companies and defenders; and adopting legal measures, including the suspension of projects which do not address risks (Ibid.);
- 3) Ensuring accountability for abuses by systematically monitoring, reporting and 'naming and shaming' of perpetrators, and legal procedures. Further, investigations and accountability of direct perpetrators through court trial and implementation of court decisions. This includes corporate accountability for lack of due diligence (Ibid.);
- 4) Adopting a rights-based approach of policies and regulations through the welcomed and meaningful participation of environmental and land defenders (UNEP, 2017);
- 5) Developing legally binding instruments on access to information, public participation and justice in environmental matters (Ibid.).

2.3 Brief policy analysis

Policy gaps have allowed continued violation of ELD rights. These gaps exist within institutional structures and within the implementation of policies. What follows is a more detailed description of gaps identified through the review.

Gaps within States responsibilities:

- In terms of complying with the Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines on the Governance of Tenure (VGGT) of Land, Forests and Fisheries, States have failed to ensure that large-scale acquisitions do not violate land rights of Indigenous peoples ensuring full traceability (Knox, 2017);
- Many States have not yet considered adopting/recognising the right to a healthy environment at the constitutional level. During regional consultations, ELDS argue that recognition of the right helps build a ‘stronger backbone’ for domestic advocacy (Ibid.);
- States fail to refer to the Model National Law on Human Rights Defenders, developed by the International Service for Human Rights (ISHR) including former UN Special Rapporteurs on ELDs (Ibid.);
- Initiatives such as the Extractive Industries Transparency Initiative and the Open Government Partnership have yet not been strengthened and built upon by States (Ibid.);
- Bilateral cooperation between States such as the Swedish Environmental Protection Agency in Collaboration with UNDP (which is working with similar agencies in Kenya, Colombia, Mongolia and Mozambique) can help build the capacity of institutions to protect ELDs. However, these agreements can also increase the risks faced by ELDs. Clauses such as those on investor State dispute settlements may hinder State efforts to consult with defenders. Similarly, restrictive clauses in contracts may limit the information available to ELDs and infringe upon their right to participation (Frost, 2016);
- Institutional weakness of protection mechanisms. For example, there are vast differences in what exists on paper and what is done in practice in Colombia and Mexico (de Marchi Pereira de Souza et al., 2016);
- Subcontracting or hand-over of public security tasks to private security firms, for example in Brazil, Colombia and Mexico (Ibid.);
- Lack of awareness of state officials (e.g. environmental ministry personnel) on human rights standards and issues, including basic knowledge on ELD’s;
- Ratifying ILO Convention No. 169 and guarantee the right to consultation and participation of Indigenous communities in decisions at every stage of a project’s cycle (Frost, 2016). Consultations held have been inadequate and no lacked the recognition of the right to consent;
- The Convention on the Elimination of All Forms of Discrimination against Women urges for the rapid application of the Law for the protection of journalists and ELDs in 2012 at federal and state levels (Anaya Muñoz, 2014);
- Following the successful vision of a ‘human rights city’ which has been articulated to be a great opportunity for the expression, association and assembly of defenders

such as joint declarations of local governments, beginning with the European Charter for the Safeguarding of Human Rights in the City (2000) and culminating with the Gwangju Human Rights Charter (2012) (Frost, 2016);

- An excess of institutional structures which lead to excessive bureaucratisation, limiting the participation of ELDs in decision making and delay in the implementation of urgent protection. For example, violations of ELDs in Brazil increased when the National Programme for the Protection of Human Rights Defenders (PPDDH) was stripped of its original features. It therefore backtracked on several points that had been established by Decree 6.044/2007, which created the program. It no longer accounted for collective subjects and institutions that work to defend human rights, only individuals as it refers to “threatened persons” and no longer includes the broader term at risk and in situations of vulnerability” (de Marchi Pereira de Souza et al., 2016).

Gaps within regional protection mechanisms:

- Lack of specific protection programs for ELDs, which includes an early warning system that would trigger the launch of protective measures that would address risks to defenders’ family and train security and law enforcement officials (Knox, 2017);
- Regional human rights institutions in Africa and ASEAN lack protective mechanisms for ELDs when compared to the Inter-American human rights system (Ibid.);
- ASEAN, which prioritises economic and regional integration, has no viable and independent human rights mechanism and lacks a regional human rights court (Mai, 2018);
- Processes such as the Petitions and Precautionary Measures system of the IACHR are slow, bureaucratic, and difficult to access by local organisations. Processes may take years before precautionary measures are awarded and the mechanisms to ensure that states comply with their duties are insufficient.

Gaps within United Nations framework:

- During the Geneva consultation, ELDs highlighted the absence of the technical and capacity-building support needed to help them engage with UN human rights protection systems. For example, support is needed regarding access to the UN communications/petition systems (Knox, 2017);
- Lack of public access to sample legal documents or petitions to UN Special Procedures, relevant UN conventions, declarations, especially in a language that ELDs understand along with contact information of UN and regional human rights organisations (Ibid.);

- ELDs have called for more exposure on their work and dangers to them in the UN human rights mechanisms by recommending UN Special Procedures to raise more cases. Some even suggested bringing petitions before the Committee on Civil and Political Rights under the Option Protocol to the International Covenant on Civil and Political Rights (Universal Rights Group, 2014).

Other gaps at international level:

- Even though more than one hundred countries recognise the right to a healthy environment, there is no international agreement that explicitly recognises the right. One example is the African Charter on Human and Peoples' Rights, which recognises the right of people to a "general satisfactory environment favourable to their development", but not a safe, healthy and ecologically-balanced environment (Mukha, 2018);
- Lack of model law on the recognition and protection of the ELDs by either UN or other international organisations. The only model law recognised is the Model National Law on the Recognition and Protection of ELDs organised by the ISHR (Ibid.);
- There is no global instrument addressing the protection of the defenders other than the Aarhus Convention and Escazú Agreement. Other instruments remain soft law and case law that play a positive role in the recognition of ELDs but less so in their protection (Ibid.);
- The budgetary reduction facing the Inter-American Commission and Court of Human Rights and its impact on their continuing ability to monitor, support and protect defenders in the region (Frost, 2016).

Gaps regarding companies and private sector:

- Businesses following the Guiding Principles on Business and Human Right do not systematically following the Akwé: Kon voluntary guidelines for the conduct of cultural, environmental and social impact assessments, which were adopted by the Conference of the Parties to the Convention on Biological Diversity (Knox, 2017);
- Large discrepancies between professed commitments to participation and accountability and the real situation on the ground points to an overwhelming failure by financial institutions to assess risks and respond to reprisals effectively (Frost, 2016).

Summary of key recommendations

This section provides an overview of recommendations proposed by the reports and initiatives reviewed in this study. Recommendations are not often paraphrased; exact wording can be found in the original documents listed in the bibliography.

For environmental and land defenders (ELDs)

ELD-1. Professional conduct and quality of work

- Establish and maintain impartiality and transparency;
- Establish professional practices for reporting on human rights violations;
- Develop credibility through accurate reporting;
- Ensure that other human rights organisations maintain similarly high standards;
- Insofar as conditions and national laws respect the Declaration on human rights defenders and other international human rights instruments, ensure that laws and regulations concerning, for example, the registration of NGOs, are respected by defenders.

ELD-2. Training

- Organise regular human rights training workshops for yourself and your colleagues as well as for other such as police, journalists, teachers and the public. Training topics for defenders should include professionalising their work including relevant physical and digital security precautions; the documentation of evidence on human rights violations; and the use of the court system to search for justice;
- Organise events that serve the purpose of drawing attention to defenders and their work.

ELD-3. Networks and channels of communication:

- Creating support networks at the local, national, regional and international level among defenders including key actors such as the media, religious institutions, civil society, universities and the private sector. Networks can also help monitor the safety of defenders and disseminating information about a defender at risk. When using networks to transform information on human rights abuses in general, defenders should identify their key partners and provide them with information in an easily usable form;
- These channels of communication could include a public dissemination strategy.

ELD-4. Situation analysis:

- Clearly define the fundamental problems facing ELDs in particular regions/ municipalities and develop recommendations to the relevant local, national and international authorities on how these could be addressed.

ELD-5. Supporting improved State protection for human rights:

- Advocate for the appointment of officials with human rights training to key positions such as Minister of Justice, key judge and prosecutors, chief of police, or Ombudsman offices;
- Promote the establishment of State and independent institutions that will implement and protect human rights standards;
- Encourage State authorities to investigate human rights violations and urge an end to impunity.

ELD-6. Protection Strategies

- Define strategies and procedures for the urgent protection of defenders facing threats; these may include community-based networks of shelters or collective mobilising, and require the rapid dissemination of information, for example through community radios. A strategy should include criteria for deciding whether the situation of risk justifies communicating information to the regional and international protection networks, in which great care must be taken to present accurate and complete information (UNHRC, 2016).

ELD-7. Using the Declaration of human rights defenders:

- Making best possible use of the Declaration should form a part of any ELD's strategy;
- The Declaration can be disseminated and be the subject of training campaigns, and defenders should advocate for it to be adopted into national legislation or for a plan of action for its implementation, tailored to the local situation (OHCHR, 2004).

ELD-8. Psycho-social welfare

- Creating networks with defenders at the local, national, regional and international level among defenders to exchange experiences and provide mutual (emotional) support;
- Develop and support activities that support and build social cohesion at the community level;
- Self-care is not a luxury: it is a necessity. Work-related stress, if left unchecked, ultimately weakens defenders and undermines both their work and their personal safety. Regular rest and respite is essential for defenders under threat.

For organisations partnering/supporting defenders (OPSD)

OPSD-1. As fundamentally local actors, defenders must be well-placed to partner with local government;

OPSD-2. Development of 'human rights cities', places where a human rights framework guides the development of community life for expression, association and assembly of defenders;

OPSD-3. Working in partnership with informal community leaders, Indigenous chiefs, religious figures and local authority to insulate defenders from threats and attacks and assist in holding the State to account for failures in protection;

OPSD-4. Mobilisation of resources for research and ensure that analysis reflects the situation on the ground through civil society organisations;

OPSD-5. Risk assessments to identify countries where ELDs face the greatest threats to their human rights (Universal Rights Group, 2014);

OPSD-6. Establishment of adequate protection mechanisms as ombudsmen, commissions and multi-stakeholder councils to monitor and respond to the local situation and connect local awareness with local social and political action. These mechanisms could encompass tools to survey and report upon the human rights situation within the city thereby tracing the successful example of the Gwangju community (Frost, 2016);

OPSD-7. Mobilisation of resources for local partners facing threats to provide psycho-social care – practices of care may not be internalised by defenders and local organisations often lack the resources and awareness of their necessity.

For Companies and Private Sector (CPS)

Business must advocate and seek remedy for ELDs at risk, and against laws and policies that restrict them, such as by:

CPS-1. Consulting with ELDs in the design, implementation and evaluation of projects, and human rights impact assessment processes (Global Witness, 2017; Article 19, 2016; Frost, 2016; Global Witness, 2018; ISHR, 2015);

CPS-2. Encouraging home governments to speak out for ELDs through their diplomatic representations in States in which the company operates (ISHR, 2015);

CPS-3. Encouraging home and host governments to consult with ELDs for national action plans on ‘business and human rights’, such as environmental and social impact assessments (Global Witness, 2017; Frost, 2016; ISHR, 2015; CIDH, 2015);

CPS-4. Attending shareholder meetings to raise awareness among those who are investing in the company about the company’s actions and infringement on human rights in the areas that it is operating (Universal Rights Group, 2014);

CPS-5. Speaking out in support of ELDs and publicly against restrictions or attacks against ELDs such as Tiffany & Co. (Global Witness, 2017; Knox, 2017; ISHR, 2015);

CPS-6. Consulting women ELDs, Indigenous defenders and minority groups by creating gender-sensitive protection measures for marginalised, stigmatised and geographically isolated defenders (Universal Rights Group, 2014; Frost, 2016; Knox, 2017; ISHR, 2015);

CPS-7. Establishing corporate policies on ELDs, such as Adidas (Global Witness, 2017; Knox, 2017);

CPS-8. Participating and protecting ELDs and establishing principles for free, prior and informed consultation of the communities affected in reference to the Plans of Action Nationals urged by the UN Working Group on Business and Human Rights (Frost, 2016; CIDH, 2015);

CPS-9. Implementation of VGGT to ensure proper due diligence along supply chains through full traceability, codify their expectations on suppliers, audit compliance and potentially change supplier if standards are not met (Universal Rights Group, 2014; Global Witness, 2018; CIDH, 2015);

CPS-10. Reporting their operations globally and legal regimes allowing for the prosecution of nationals wherever their offences were committed (Frost, 2016);

CPS-11. Ensuring that private security companies respect the rights of affected communities and establish accountability grievance mechanisms (Frost, 2016; de Marchi Pereira de Souza, 2016; Global Witness, 2018; CIDH, 2015);

CPS-12. Suspending specific business projects where defenders have been threatened (Global Witness, 2017; Article 19, 2016);

CPS-13. Performing comprehensive human rights due diligence to identify, prevent and offer remedy for how the institution, enterprise or business addresses the adverse impacts of its activities (Global Witness, 2017);

CPS-14. Creating report cards for companies and governments to evaluate how they are recognising and protecting the rights of ELDs in reference to World Justice Project and the Yale Environmental Index (Universal Rights Group, 2014);

CPS-15. Refrain from lobbying for legal reforms that undermine or weaken environmental or human rights standards.

For Regional Organisations and Communities (ROC)

ROC-1. Expanding dialogues, including the new regional regime emerging in the ASEAN Intergovernmental Commission on Human Rights and the African Commission on Human and Peoples' Rights, in the light of risks faced by ELDs in Asia and Africa and to provide mechanisms for their emergency protection (Frost, 2016);

ROC-2. Development of legally binding instruments on access to information, public participation and justice in environmental matters by UN Economic Commission for Africa (ECA) and UN Economic and Social Commission for Asia and the Pacific (ESCAP) (Ibid.);

ROC-3. Encourage more States to accede to the Aarhus Convention, in the absence of other multilateral and regional agreements at this stage (Ibid.);

ROC-4. Providing political and financial support to regional human rights mechanisms by (Ibid.):

- Developing interregional coordination mechanisms to share experiences with a view to strengthening protection practices;
- Developing concrete plans of action at all levels, with specific monitoring mechanisms to review their effectiveness on the ground, including by seeking feedback from defenders;
- Developing and disseminating strong policies and guidelines for the protection of ELDs and in consultation with civil society.

For International Organisations and Communities (IOCs)

IOC-1. Creating a global instrument addressing the protection of the defenders beyond Aarhus Convention and Escazú Agreement (Mukha, 2018);

IOC-2. Ensuring that any future bilateral and multilateral trade agreements involving countries where ELDs are under threat include measures to prevent and address violations and mechanisms thereby investigating and redeeming violations (Frost, 2016);

IOC-3. Formulating an international treaty to prevent and address human rights violations by transnational and national business enterprises (Ibid.);

IOC-4. Ensuring that development aid and assistance is guided by human rights and the Declaration on Human Rights Defenders (Frost, 2016; CIDH, 2015);

IOC-5. Engaging judges worldwide for access to justice in environmental matters by establishing networks for judicial cooperation and sharing of information between judges (UNEP, 2017; Frost, 2016; Knox, 2017);

IOC-6. Address the transboundary dimension of violations by setting standards and increasing coordination and mutual legal assistance through international criminal law frameworks (Frost, 2016);

IOC-7. For the Negotiating Committee of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean to recognise the critical role of ELDs in the effective implementation of access rights, democracy and the environmental rule of law and to publicise human rights violations suffered by them (Global Witness, 2017; Knox, 2017; CIEL, 2010).

For UN General Assembly and other global UN organisations

UNGA-1. To recognise resolutions for the role of ELDs in the field of business and human rights, and reiterate the obligation of the States and companies to protect defenders (UNEP, 2017; Frost, 2016; CIDH, 2015);

UNGA-2. The General Assembly, through for example the Human Rights Council, should monitor, document and respond to the cases of alleged acts of reprisal against ELDs for cooperating with international financial institutions, United Nations agencies and United Nations human rights mechanisms (UNEP, 2017; Frost, 2016);

UNGA-3. UNEP and UNDP should strengthen their efforts to build the capacity of governments to understand and comply with their human rights obligations relating to the environment (URG, 2014; Knox, 2017);

UNGA-4. UN Commissioner for Human Rights (OHCHR) and the Global Alliance of National Human Rights Institutions (GAN HRI) should convene a conference of ELDs to build their capacity to receive and consider claims of violations (Knox, 2017);

UNGA-5. Run an evaluation of the enforcement of a Rapid Response Mechanism which offers an internal accountability mechanism to enable communities and individuals to contact UN Environment, including its Executive Director to respond to cases. It makes the Law Division responsible to develop a communications template to guide UN Environment's public response. It also includes a gender-responsive approach in amplifying the voices of women ELDs to advance their legitimacy in society and raising public awareness on the gendered nature of environmental rights violations (UNEP, 2017; Frost, 2016);

UNGA-6. Disseminating the Declaration on Human Rights Defenders, on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including through promoting the self-identification of ELDs (Frost, 2016).

For UN Human Rights Council and the Treaty bodies

UNHRC-1. To address the legal gaps like weak environmental standards and laws protecting the rights of Indigenous peoples, their land rights and customary title to territories and resources (Global Witness, 2017; Article 19, 2016; Frost, 2016; Knox, 2017);

UNHRC-2. To implement strategies and action plans for the participation and protection of ELDs including in the framework of *Sustainable Development Goals* and the *Human Rights up Front* initiative (Frost, 2016);

UNHRC-3. To recognise more cases in the UN Special Procedures (Universal Rights Group, 2014; Frost, 2016);

UNHRC-4. To bring petitions before the Committee on Civil and Political Rights under the Option Protocol to the International Covenant on Civil and Political Rights (Universal Rights Group, 2014);

UNHRC-5. Implementation of the 2030 *Agenda for Sustainable Development*, guided by a human rights based approach (UNEP, 2017; Frost, 2016).

For the UN Working Group on Business and Human Rights

UNWGBHR-1. Guaranteeing participation of ELDs towards a treaty, and ensure that any treaty guarantees the protection of its work by State and non-state actors;

UNWGBHR-2. Addressing the role of corporations in environmental human rights abuses and, in particular, in relation to violations of the rights of ELDs;

UNWGBHR-3. Taking into account the recommendations made by other mechanisms of UN in relation to actions of companies that contribute to the criminalisation of activities to promote the human rights of ELDs (CIDH, 2012).

For the Inter-American Human Rights System (IACHR)

IACHR-1. To survey member States and input from non-governmental and civil society organisations (Article 19, 2016);

IACHR-2. To carry out communications to the States on cases of defenders, carried out via Article 41 of the IACHR on requests for information, and publish them to generate pressure on the State and prevent a violation imminent against an advocate (CIDH, 2015);

IACHR-3. To value the suspension of economic projects, including ‘megaprojects’, such as precautionary measure recommended in cases where the development of the project puts at risk the rights of the beneficiaries (Ibid.);

IACHR-4. To interpret the concept of irreparable damage in a broad sense, including rights that cannot be adequately restored or remedied once they are the object of a violation, and not limit it only to the rights against life and personal integrity. This is important in situations of irreparable damage to territories and natural resources linked to Indigenous peoples and peasant villages (Ibid.);

IACHR-5. To strengthen its mechanism of control and enforcement of member States’ duty to implement the Commission’s precautionary measures and the Court’s sentences.

For Member States of European Union (EU) (CIDH, 2012)

EU-1. Identify, support and urge governments to implement recommendations issued by:

- The Inter-American System of Human Rights;
- Special Mechanisms of the UN (Committees and Rapporteurs);
- The Human Rights Council of the UN in the frame of the Universal Periodic Review.

EU-2. In accordance with the provisions of the Offshore Liability Lines of Maastricht on human rights, EU is requested to develop a framework which makes European companies operating in third countries to comply with international standards regarding protection of ELDs;

EU-3. EU diplomatic missions can attend court cases of persecuted ELDs to pressure local courts to uphold the rule of law and to transmit to foreign governments the message that the EU does not condone the criminalisation of ELDs.

For States/Governments

GVT-1. Mainstreaming Rights-based approach (Universal Rights Group, 2014; Frost, 2016; Lawlor & Anderson, 2014) into policies and regulations by:

- Providing clear definitions of the environmental defenders and model laws (Frost, 2016; Mukha, 2018);
- International agreements to recognise the human right to a safe, healthy and ecologically-balanced environment (Universal Rights Group, 2014; Frost, 2016; Knox, 2017; Mukha, 2018);
- Parliamentarians referring to the All-Party Parliamentary Human Rights Group and the Committee on Human Rights and Humanitarian Aid which meet regularly with defenders at risk, advocating to other governments for the protection of defenders and organise debates and discussions on the situation of defenders and State policies concerning protection (Frost, 2016);
- Adopting legislations that guarantee the protection of ELDs, such as defenders of the rights of Indigenous peoples, including through protection mechanisms included in the Declaration of the UN General Assembly (Frost, 2016; Anaya Muñoz, 2014);
- Full participation of human rights organisations in the design, implementation and monitoring of national mechanisms such as a National Protection Mechanism for ELDs that has faculties of prevention, protection and investigation (Universal Rights Group, 2014; Frost, 2016; de Marchi Pereira de Souza, 2016; Knox, 2017; Anaya Muñoz, 2014);
- States should recognise land rights, review and repeal laws that facilitate the exploitation of natural resources at the cost of communities and the environment (Article 19, 2016; Frost, 2016);
- Integrating a human rights based approach into the work of environmental protection agencies which are given the resources required for effective environmental governance (Frost, 2016; Lawlor & Anderson, 2014);
- Developing initiatives to support ELDs by connecting local communities with international law firms and overseas lawyers for legal advice, legal representation, the provision of bail and trial monitoring (Universal Rights Group, 2014; Frost, 2016; Knox, 2017);
- Ratifying ILO Convention No. 169 to guarantee the right to consultation and participation of Indigenous communities in project cycles (Frost, 2016).

GVT-2. Developing institutional mechanisms for the protection of ELDs within the law (UNEP, 2017; Knox, 2017; CIEL, 2010) by:

- Services of shelter such as Shelter-City Initiatives for temporary rest for ELDs, providing training on privacy, safety, lobbying, human rights law and advocacy, personal security and risk assessment, digital security, recognising and defending their rights, adapting tactics and strategies in the face of threats and attacks and managing their personal and collective security (Donders, 2016);
- Urgent care and relocation, such as asylum and issue of special/emergency visas or residence permits to defenders on political or humanitarian grounds, as suggested by the European Parliament EP (Ibid.);
- Emergency funds that have easy and fast application processes, quick response times and that allow defenders discretion in using funds most appropriate to their personal situation to help defenders cope with threats and attacks (Frost, 2016);
- Protection practices which focus on economic, political, environmental, digital and psychosocial well-being of ELDs (Ibid.);
- Protection practices may require a collective focus: the protection of individual defenders by providing them with bodyguards and equipment may put community or family members at additional risk. In addition, in many communities the defence of land and environmental rights is a collective effort – defenders are a collective, not merely individual people;
- Establishing a mechanism for the protection of journalists and defenders, such as that provided for in the Law on the Protection of Journalists and Defenders of human rights in 2012 in Mexico (Anaya Muñoz, 2014);
- Reviewing regularly the adequacy of laws, policies, regulations and enforcement measures to ensure that businesses respect human rights (Frost, 2016);
- Refocus diplomatic attention on the protection of vulnerable groups including ELDs (Ibid.);
- Measuring the efforts of State and non-State actors to protect the rights and remedy abuses so that gaps in performance and accountability can be tracked, reported and assessed (UNEP, 2017; Frost, 2016);
- Eradicating corruption regarding the allocation of licenses in the natural resource sector, including a zero tolerance policy on corruption (Global Witness, 2017; Global Witness, 2018);
- International networks of parliamentarians can provide forums to share good practices and set new standards, such as in the case of the resolution on Democracy in the digital era and the threat to privacy and individual freedoms adopted by the Inter-Parliamentary Union (IPU) (Frost, 2016);
- Reducing excess of institutional structures to avoid excessive bureaucratisation, which can limit the participation of civil society in decision making bodies and delay the implementation of urgent protection measures (de Marchi Pereira de Souza, 2016).

GVT-3. Conducting serious and impartial investigations of violations (UNEP, 2017; Frost, 2016; Knox, 2017; CIDH, 2015; CIDH, 2012; Tanner, 2011) within a reasonable period by:

- Documenting and investigating ELDs experiences of threats, warnings and potential or actual violations by either states or non-state organisations (Tanner, 2011);
- Designating sufficient resources for the monitoring of the due and equal application of justice, respect for the presumption of innocence and the right to a fair trial (Frost, 2016; Anaya Muñoz, 2014; CIDH, 2012; Lawlor & Anderson, 2014);
- Investigation of cases of assaults and acts of violence and threats against journalists (Anaya Muñoz, 2014);
- Inculcating cooperation programs to strengthen justice systems and legal defence for timely methods to bring urgent cases before the court with a view to taking preventative action rather than dealing with damages after the fact (Frost, 2016; CIDH, 2012);
- Ensuring that the security and physical integrity of ELDs in long-term imprisonment should be monitored, as well as defenders in house arrest (Article 19, 2016; Frost, 2016; Anaya Muñoz, 2014);
- Investigating incidents promptly and to bring perpetrators to justice and determine the culpability of their employees, contractors and business partners (Global Witness, 2017; Frost, 2016);
- Access to justice and protection mechanisms, taking into account the geographic, linguistic and cultural barriers that often prevent access to these bodies by communities and defenders of rights to land, territory and the environment (CIDH, 2015).

GVT-4. Respecting the Freedom from False Charges and Arbitrary Arrests (Article 19, 2016; Frost, 2016):

- Fair trials to ELDs;
- Not subjected to arbitrary detention or prolonged pre-trial detention;
- Stopping abuse of the judicial process to harass ELDs.

GVT-5. Strengthening of Environmental Normative Framework through:

- Providing reliable information coming from the ground regarding the status of ELDs because government supplied information from the top down is not always reliable (Universal Rights Group, 2014);
- Training Law enforcement officers in the proportionate use of force and making them accountable in the use of police powers, including during demonstrations (Article 19, 2016; CIDH, 2015);
- Participating actively and freely in environmental decision making activities and processes that may have an impact on the environment (IUCN, 2000);
- State's role as the guarantor of rights protected by international human rights law, such as The African Commission on Human and Peoples' Rights (Frost, 2016; CIEL, 2010);

- Developing networks to bring together the overlapping constituencies involved in environmental justice, to pool their resources, develop new strategies, support those at risk, and share lessons learnt (UNEP, 2017; Frost, 2016; Knox, 2017; Lawlor and Anderson, 2014);
- Recognition and Implementation of the right to free, prior and informed consent from the communities affected, such as recognised in the United Nations Declaration on the Rights of Indigenous Peoples (Article 19, 2016; Frost, 2016; Knox, 2017; Anaya, 2011; Global Witness, 2018);
- Guaranteeing meaningful participation of ELDs and the communities affected by the design, implementation and evaluation of plans and programmes affecting land rights or the environment (Global Witness, 2017; UNEP, 2017; Frost, 2016; CIDH, 2015; CIEL, 2010);
- Public access to sample legal documents or petitions to UN Special Procedures, relevant UN conventions, declarations and case studies, especially in a language that ELDs understand along with contact information of UN and regional human rights organisations by means of traditional social media, such as community-based radio stations (Knox, 2017);
- Creation of spaces for dialogue between the company, the State and the affected community (CIDH, 2015);
- Technical and capacity building to help them engage with UN human rights protection system and facilitating access to the UN communication/petition systems, including creating a web page for every exposed defender with their biography and a synopsis of who the defender is and what they are doing, or an interview or some video footage (Knox, 2017);
- Promote alternative models to ‘fortress conservation’ that are led by Indigenous people and local communities, such as Indigenous Peoples’ and Community Conserved Territories and Areas (ICCA) (Mai, 2018).

GVT-6. Acknowledgement of the responsibility of the government authorities of the home state(s)/jurisdiction of incorporation of transnational companies – as well as the country of residence of their beneficial owners - that generate, incite or contribute to violence (Knox, 2017; CIEL, 2010), with responsibility/liability extending to the diplomatic staff supporting projects putting at defenders at risks of grave human rights abuses (Charles & Le Billon, 2020);

GVT-7. Establish a mechanism to provide compensation for material and nonmaterial damages and expenses for the victim’s family (Tanner, 2011);

GVT-8. Free performance of environmental advocacy activities, including freedom of association, opinion and assembly (Article 19, 2016; IUCN, 2000; UNEP, 2017; Knox, 2017; Lawlor & Anderson, 2014; Tanner, 2011) by:

- Making research about aggressions against defenders of freedom of expression (Anaya Muñoz, 2014)

- Grassroots organising and environmental advocacy, which should not be seen as politically threatening activities or prosecuted under anti-terrorism legislation for peaceful activities (Article 19, 2016; IUCN, 2000; CIDH, 2015)
- Guaranteeing security conditions for human rights defenders, including those who seek justice for forcibly disappeared people and defend the rights of victims (Anaya Muñoz, 2014; CIDH, 2015);
- Repealing any law that illicitly restricts ELDs from operating through their non-governmental or civil society organisations (Article 19, 2016; CIDH, 2015);
- Amending all legislation that provides severe penalties for minor offenses, such as holding demonstrations without prior authorisation or registration (Article 19, 2016; CIDH, 2015);
- Speaking publicly and forcefully in support of freedom for individuals to participate in grassroots environmental activities and environmental advocates who are suffering harassment or persecution;
- Making strong public statements, recognising the legitimate role of ELDs (IUCN, 2000).

GVT-9. Provision of Human Rights Education by the State for public officials, professional groups, students and the general public, through:

- Referring to initiatives, such as the Global Action Programme on Education for Sustainable Development of the UNESCO and supporting the call by UNESCO for inclusive, empowering education about the environment, engaging civil society and local communities as active participants (Frost, 2016);
- Providing ‘citizenship training’ and Human Rights clubs including innovative pedagogies, such as role-based simulations, mock report writing and field placements (Ibid.).

For financial institutions and investors (FIA)

FIA-1. Committing to responsible financing, lending and investment for risk assessment and the evaluation of the performance of investments through the Equator Principles which offer a framework to assess and manage the social and environmental risks and impacts of projects, including to meet minimum standards for due diligence (Ibid.);

FIA-2. Ensuring effective participation and accountability within their investments, and guarantee a systematic analysis of the enabling environment for fundamental freedoms at the country and project levels for ‘holistic security’ of defenders (Frost, 2016; Knox, 2017; CIDH, 2015);

FIA-3. Requiring borrowers to communicate to those affected by projects how their feedback in the design and execution of projects has been followed up (Frost, 2016);

FIA-4. Stop the improper use of lawsuits as a method to silence ELDs (Article 19, 2016).

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Another Poverty^{a)}

by shalan joudry^{b)}

i have been accomplice to your poverty
 i settled land that was your territory
 helped push you out
 and thought nothing of it on your behalf
 when you come creeping back i call you intruder
 and give you signs i am not friendly
 to your kind

where you no longer hunt is my doorstep
 where you no longer sleep is my children's playhouse
 we pick your berries for dessert
 dam your rivers
 catch your fish for fun and throw them back wounded
 my neighbour has left you poisoned traps
 while you wonder why your children die
 i have said nothing

so that there be no confusion
 let me say this now
 you are less than us
 less person
 less sophisticated
 less spiritual
 in my defence i will tell you
 i have been taught this machine
 and work it automatic each day
 i will tell you of the generations
 of the people who were wronged this way
 and now i have forgotten shame

even though we are all children
 born into creation
 given breath

in my prayers this morning
 i cried your name
 sent a message east for change
 "for the four-legged, winged, and finned"
 but i am too late
 too selfish perhaps
 to change

^{a)} This poem is part of *Generations Re-merging* (Gaspereau Press, 2014).

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Endnotes

- 1 See Tauli-Corpuz, V., Alcorn, J., Molnar, A., Healy, C., Barrow, E. (2020). 'Cornered by PAs: Adopting rights-based approaches to enable cost-effective conservation and climate action'. *World Development* 130. <https://doi.org/10.1016/j.worlddev.2020.104923>; WWF (2020). *Embedding Human Rights in Nature Conservation: From Intent to Action*. Report of the Independent Panel of Experts of the Independent Review of allegations raised in the media regarding human rights violations in the context of WWF's conservation work. https://wwfint.awsassets.panda.org/downloads/independent_review___independent_panel_of_experts__final_report_24_nov_2020.pdf [Accessed 23 August 2021].
- 2 ICCA Consortium (2021). *Territories of Life: 2021 Report*. <https://report.territoriesoflife.org/wp-content/uploads/2021/05/ICCA-Territories-of-Life-2021-Report-FULL-150dpi-ENG.pdf> [Accessed 23 August 2021].
- 3 Ibid.
- 4 These are BHP (TNC), Shell (TNC, CI, formerly WWF), Chevron (IUCN) and Exxon (CI).
- 5 We exclude herein private conservation organisations which are not mandated by the state to conduct conservation work.
- 6 These include the RF/IUCN Young Conservationist Award, the International Ranger Foundation (IRF) Lifetime Achievement Award, the Dr Jane Goodall Hope and Inspiration Ranger Award and the IRF President's Award.
- 7 We are aware that there are many stories compiled here, but we wanted to share these as we understood that the Policy Matters issue needed testimonials – and WoMin would be happy to work with IUCN to choose 1–3 of the strongest testimonies and refine them for the purposes of the issue as needed. We can also provide some photos as well, depending on which stories are chosen for the issue.
- 8 To date, the agreement has been signed by 22 countries and ratified by five (CEPAL, n.d.).
- 9 While the organisational capacity and activism of CSOs and journalists protecting HRDs is historically greater in Latin America, followed by Asia, national and regional networks in Africa have taken root quickly (Global Witness, 2018).
- 10 Urgent Action Fund (UAF) and Just Associates (JASS) each have chapters in Africa, Latin America, and Asia-Pacific.
- 11 Namely, IM-Defensoras, AWID and UAF.



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